THE MADRAS LEGISLATIVE ASSEMBLY.

Tuesday, 29th March 1955.

The House met in the Assembly Chamber, Government Estate, Mount Road, at half-past eight of the clock, Mr. Speaker (THE HON. SRI J. SIVASHANMUGAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Libraries in South Kanara

* 1677 *Q.*—SRI M. NARAYANAN NAMBIAR : Will the Hon. the Minister for Finance be pleased to state—

(*a*) the number of libraries in South Kanara subsidized by the Government ; and

(*b*) the total subsidy given in the year 1953–54?

THE HON. SRI C. SUBRAMANIAM :—" (*a*) The number of libraries in the South Kanara district subsidized by the Government is 113.

" (*b*) The total expenditure incurred on the payment of grants to the libraries during 1953–54 was Rs. 5,905."

SRI M. NARAYANAN NAMBIAR :—" Sir, may I know whether it is the policy of the Government to grant subsidies only to libraries that are registered or to grant subsidies to all libraries that are not registered but are maintained properly? "

THE HON. SRI C. SUBRAMANIAM :—" Sir, it is governed by rules. Unless the conditions prescribed in the rules are satisfied we cannot grant subsidies."

SRI V. BALAKRISHNAN :—" How many of these are mobile libraries, Sir? "

THE HON. SRI C. SUBRAMANIAM :—" I don't think there is any mobile library out of these 113 in the South Kanara district."

SRI M. NARAYANA KURUP :—" Sir, may I know whether, according to the Government Order, a library has to be registered under the Societies Registration Act of 1860? "

THE HON. SRI C. SUBRAMANIAM :—" That is not necessary, Sir."

SRI T. C. NARAYANAN NAMBIAR :—" Will the Government consider the necessity for revising the recent instructions that they have issued to the library authorities to grant a day's holiday? So far as Malabar is concerned, I think they have declared Saturday as the holiday. May I know whether the Government will be

prepared to see that no holiday was given so far as the libraries are concerned and at the same time also see that the library workers' interests are not affected, by appointing more workers? "

THE HON. SRI C. SUBRAMANIAM :—" Sir, I do not see any difficulty in giving a holiday for libraries. They may close on a working day when the libraries may not be fully utilized. So, I do not think we should increase the number of workers for that purpose and deny them a holiday."

SRI M. P. SUBRAMANYAM :—" Sir, the Hon. Minister said that a sum of Rs. 5,905 was granted as subsidy. May I know whether this sum was granted for the purchase of books or for meeting recurring expenditure? "

THE HON. SRI C. SUBRAMANIAM :—" For meeting recurring expenditure, Sir."

SRI M. NARAYANA KURUP :—" May I know whether such subsidies are granted on a uniform scale or whether there are different grades? "

THE HON. SRI C. SUBRAMANIAM :—" Sir, there are different grades. For libraries under private managements and co-operative societies, after 1952–53, the grant allowed is Rs. 95, for libraries under panchayats it is Rs. 40 and for libraries run by grama sanghams it is Rs. 25."

House rent allowance for Shoranur Panchayat Board employees

* 1678 *Q.*—SRI M. NARAYANA KURUP : Will the Hon. the Minister for Health be pleased to state—

(*a*) whether the Government have received a copy of the resolution passed by the Shoranur Major Panchayat Board, South Malabar, on 24th November 1954 requesting the Government to declare Shoranur an urban area and permit payment of house rent allowance to its employees; and

(*b*) if so, the action taken thereon?

THE HON. SRI A. B. SHETTY :—" The proposal of the Shoranur Panchayat Board contained in its resolution No. 237, dated the 17th November 1954, for payment of a house-rent allowance of Rs. 3 per mensem to its sanitary workers has been approved by Government as a special case."

Gem Tile works

* 1679 *Q.*—SRI M. KALYANASUNDARAM : Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) whether any representation has been received from the Manamadurai Tile Workers' Union regarding the closure of Gem Tile Works belonging to the Madura Manufactories, Limited; and

(*b*) the steps taken to re-open the factory?

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The Hon. Sri M. BHAKTAVATSALAM :—" (*a*) Yes, Sir.

" (*b*) The factory was closed for financial reasons. The Government cannot compel any management to re-open its factory."

Sri M. KALYANASUNDARAM:—" பொருளாதார நெருக்கடியால் 8-30 a.m
அந்தத் தொழிற்சாலை மூடப்பட்டிருப்பதால் அதற்கு வேண்டிய பொருளாதார உதவியை சர்க்காரே செய்து அதைத் திறப்பதற்கு சர்க்கார் நடவடிக்கை எடுப்பார்களா ? "

The Hon. Sri M. BHAKTAVATSALAM :—" அந்தக் கம்பெனியார் பொருளாதார உதவிக்காக சர்க்காரிடம் கடன் கேட்டார்கள். அதை சர்க்கார் பரிசீலனை செய்தது. அதற்குக் கடன் கொடுப்பது சரியில்லை என்றும், கடன் கொடுத்தாலும் அது திரும்பி வராது, அது லாபகரமாக இருக்காது என்றும், அப்படிக் கடன் கொடுத்தாலும் அந்தக் கம்பெனி சரிவர நடக்கும் என்று சர்க்காருக்குத் தோன்றவில்லையாதலாலும் அதற்குக் கடன் கொடுப்பது சரியல்ல என்று சர்க்கார் முடிவு செய்துவிட்டது."

Sri S. RAMALINGAM :—" அங்குள்ள பொருளாதார நெருக்கடியின் காரணமாக சுமார் 250 தொழிலாளர்கள் வேலையில்லாமல் திண்டாடிக்கொண்டிருக்கிறார்கள். மீண்டும் அவர்கள் தங்கள் வாழ்க்கையை நடத்துவதற்கு அந்தக் கம்பெனிக்கு கடன் கொடுக்காவிட்டாலும் மான்யம் கொடுத்து அந்தத் தொழிற்சாலை நடப்பதற்கு சர்க்கார் நடவடிக்கை எடுப்பார்களா ? இப்பொழுது ஸ்மால் ஸ்கேல் இண்டஸ்ட்ரீஸ்களுக்கு பணம் கொடுத்து உதவுவதாக சர்க்கார் பிரமாதமாக பேசிக் கொண்டிருக்கிறார்கள். அதனால் இதை மறுபடியும் பரிசீலனை செய்து அவர்களுக்குக்கடன் கொடுத்தோ அல்லது மானியம் கொடுத்தோ அந்தத் தொழிற்சாலையை மீண்டும் ஆரம்பிப்பதற்கு சர்க்கார் ஏற்பாடு செய்வார்களா ? "

The Hon. Sri M. BHAKTAVATSALAM:—"வேறு எந்தத் தொழிலை நடத்தினாலும் தனிப்பட்ட முறையில் அதற்கு மானியம் கொடுக்கப்படுவதில்லை. கடன் கொடுத்தால் அது சுலபமாக திரும்பி வரும் என்று தோன்றினால்தான் அவர்களுக்கு கடன் சர்க்கார் கொடுக்கும். இல்லாவிட்டால் கடன் கொடுப்பதில் பிரயோசனம் இல்லை என்று முடிவு செய்து விடும். அப்படியேதான் இந்த விஷயத்திலும் சர்க்கார் முடிவு செய்திருக்கிறது."

Sri M. KALYANASUNDARAM :—" கடன் கொடுத்தால் அது திரும்பி வருவதாக இருந்தால்தான் கடன் கொடுக்கப்படும் என்ற அக்கரையுடன் சர்க்கார் இருப்பதாகச் சொல்லப்படுகிறது. இந்தக் கொள்கையில்தான் கடன் கொடுக்கப்படுகிறது என்றும் மந்திரி அவர்கள் சொல்லுகிறார். ஆனால் இப்படி பரிசீலனை செய்து கடன் கொடுத்தும் எத்தனையோ இடங்களிலிருந்து கடன் திரும்பி வரவில்லை என்பதும் நன்றாகத்தெரியும். உதாரணமாக எடுத்துக் கொண்டால் சுதர்சன ஆயில் மில்லுக்கு எவ்வளவு கடன் கொடுத்து அதில் எவ்வளவு திரும்பி வந்திருக்கிறது என்ற கணக்கைப் பார்த்தால் நன்றாகத் தெரியும். ஆனால் ஒன்று சொல்லலாம், அந்த விஷயத்தில் தனக்குப் பொறுப்பு இல்லை என்றும் முந்தின மந்திரி சபைதான் அதைக் கொடுத்தது என்றும் சொல்லலாம். அம்மாதிரி இல்லாமல் ராமநாதபுரம் ஜில்லாவில் இந்தத் தொழிற்சாலைக்குக் கடன் கொடுத்து உதவினால் அங்குள்ள வேலையில்லா திண்டாட்டத்தைப் போக்குவதற்கு உதவியாக இருக்கும். அதனால் இந்தக் கம்பெனிக்கு கடன் கொடுத்து உதவ சர்க்கார் முன் வருமா என்பதை அறிய விரும்புகிறேன்."

The Hon. Sri M. BHAKTAVATSALAM :—" சர்வ ஜாக்ருதையுடன் பரிசீலனை செய்து கடன் கொடுத்தாலும் சில சமயங்களில் கொடுத்த கடன் திரும்பி வராமல் இருக்கிறது. கண் முன்னாலேயே கடன் கொடுத்தால் திரும்பி வராது என்று நிதர்சனமாகத் தோன்றும் போது அதற்குக் கடன் கொடுக்க முடியாது. அதனால் தான் அதற்குச்

கடன் கொடுப்பது சரியல்ல என்று முடிவு செய்யப்பட்டது. இதை கனம் அங்கத்தினர் ஒப்புக்கொள்ளுவார் என்றே நினைக்கிறேன். அந்தக் கம்பெனி ரூ. 50,000 கடனுக வேண்டும் என்று கேட்டது."

Sri M. P. Surramanyam :—" நூற்றுக்கணக்கான தொழிலாளர்கள் இப்பொழுது வேலையை இழந்திருக்கிருர்கள். அந்தத் தொழில் ஸ்தாபனம் லாபகரமாக நடப்பதா இல்லையா என்ற அடிப்படையில் அல்லாது போதிய செக்யூரிட்டி கொடுக்கிறேன் என்று சொன்னுல் செக்யூரிட்டியின் பேரில் கடன் கேட்டால் கொடுக்க சர்க்கார் முன் வருவார்களா ? "

The Hon. Sri M. Bhaktavatsalam :—" அதையேதான் நான் முன்னமே சொன்னேன். செக்யூரிட்டி கொடுத்து கடன் வாங்கி அந்தத் தொழிலை நடத்தினுலும் அவர்களுக்கு லாபம் வரும் என்று சர்க்கார் கருதவில்லை. அதனுல்தான் அவர்களுக்கு சர்க்கார் கடனும் கொடுக்க மறுத்து விட்டது. அதற்கு லாபம் வரும் என்று சர்க்கார் கருதவில்லை."

Sri P. S. Krishnaswamy Ayyangar :—" அவர்களுக்கு முன்னுல் கடன் கொடுக்க வேண்டும் என்று சர்க்கார் தீர்மானித்து பின்னுடி அப்படி கடன் கொடுக்ககூடாது என்று சர்க்கார் தங்களுடைய அபிப்பிராயத்தை மாற்றிக் கொண்டார்களா ? "

The Hon. Sri M. Bhaktavatsalam :—" முதலில் கடன் கொடுக்கவேண்டும் என்று தான் நினைத்தது. பின்னுடி பரிசீலனை செய்த பிறகுதான் கடன் கொடுக்க முடியாது என்று சர்க்கார் முடிவு செய்தது."

Sri G. Govindan :—" கீழ் ராமனுதபுரத்தில் வேலையில்லா திண்டாட்டம் அதிகமாக இருப்பதால் இந்தத் தொழிற்சாலையை சர்க்கார் எடுத்து நடத்த முன் வருமா ? "

The Hon. Sri M. Bhaktavatsalam :—" அதை எடுத்து நடத்த வேண்டும் அல்லது வேண்டாம் என்றும் சர்க்கார் நினைக்கவில்லை. அதற்குக்கடன் கொடுத்து உதவி செய்யமுடியாது என்றுதான் முடிவு செய்தது. அதனுடைய பொருளாதார நிலையை கவனித்தால் அதற்குக் கடன் கொடுப்பதில் பிரயோசனம் இல்லை என்று தெரிய வந்தது. அப்படி கடன் கொடுத்து உதவி செய்தாலும் அது அபிவிருத்தி அடையாது என்று தோன்றிய பிறகுதான் அதற்குக் கடன் கொடுக்க மறுத்துவிட்டது."

Sri S. Ramalingam :—" அந்தத் தொழிற்சாலைக்கு என்ன சொத்து மதிப்பு இருக்கிறது என்று மதிப்பிட்டார்களா ? அந்தத் தொழிற்சாலையின் சொந்தக்காரருக்கு ஏதாவது சொத்து இருக்கிறதா என்றும் பரிசீலனை செய்தார்களா ? கடன் கொடுக்க மறுத்ததற்குக் காரணம் என்ன ? சொத்து மதிப்பு இருந்தால் அதை பரிசீலனை செய்து கடன் கொடுக்க முன் வருவார்களா ? "

The Hon. Sri M. Bhaktavatsalam :—" அந்தத் தொழிற்சாலையின் சொத்தின்பேரில் ஏற்கெனவே முதல் மார்ட்கேஜ் இருக்கிறது. செக்யூரிட்டியின் பேரில் ரூ. 32,473 கடன் இருக்கிறது."

Sri V. Balakrishnan :—" அந்தத் தொழிற்சாலையை கூட்டுறவு முறையில் எடுத்து நடத்த சர்க்கார் முயற்சி செய்வார்களா ? "

The Hon. Sri M. Bhaktavatsalam :—" கூட்டுறவு முறையில் எடுத்து நடத்த வேண்டும் என்றுல் உத்யோகபற்றற்ற முறையில் இனிஷியேடிவ் எடுத்துக் கொள்ள வேண்டும். அப்பொழுதுதான் சர்க்கார் யோசித்து அதற்கு வேண்டிய உதவி அளிக்கலாம்."

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SRI M. P. SUBRAMANYAM :—" அந்த ஸ்தாபனத்திற்கு முதலில் கடன் கொடுக்க வேண்டும் என்று முடிவுசெய்து, பிறகு கொடுக்க முடியாது என்று தீர்மானிக்கப்பட்டதாக கனம் மந்திரி அவர்கள் சொன்னார். அப்படிக்கொடுக்க முடியாது என்று தீர்மானம் செய்ததற்கு ஏதாகிலும் அரசியல் காரணம் இருக்குமோ என்று சந்தேகிக்க இடம் இருக்கிறதா ?"

THE HON. SRI M. BHAKTAVATASALAM :—" அரசியல் காரணமாகத்தான் இருக்கும் என்று கனம் அங்கத்தினர் எப்பொழுதும் கனவு கண்டு கொண்டிருக்கிறார். அவரை திருப்தி செய்ய முடியாது. முதலில் கடன் கொடுக்கலாம் என்று தீர்மானம் செய்தார்கள். பின்னால் அப்படிக் கடன் கொடுத்தால் அது சுலபமாக திரும்பி வராது என்று தெரிந்தவுடன் கடன் கொடுக்க மறுத்து விட்டார்கள். கடன் கொடுப்பதில் பிரயோசனம் இல்லை என்று அறிந்தபிறகுதான் அரசாங்கம் அப்படி முடிவு செய்தது."

Recovery of advances from Burma Refugees

* 1680 *Q.*—SRI T. C. NARAYANAN NAMBIAR : Will the Hon. the Minister for Finance be pleased to state— 8-40 a.m

(*a*) whether the Government have recovered any amount given to the refugees from Burma ; and

(*b*) if so, how much?

THE HON. SRI C. SUBRAMANIAM :—" (*a*) Yes, Sir.

" (*b*) No separate figures for the amounts recovered from the evacuees from Burma alone are available. The total amount recovered from the evacuees from Burma and Malaya is Rs. 8,63,362–6–3."

SRI T. C. NARAYANAN NAMBIAR :—" Sir, what is the amount still due to Government under this head from the evacuees? "

THE HON SRI C. SUBRAMANIAM :—" The total amount lent to them is Rs. 2,72,21,660. I have just now given information about the amount so far recovered. A sum of Rupees 35,85,790–2–11 has so far been written off as irrecoverable. The amount still outstanding is Rs. 2,27,68,507–6–10."

SRI S. PANCHAKSHARAM :—" Why were these amounts advanced to refugees from Burma? Were they grants or loans? If they were grants why were they ordered to be recovered? "

THE HON. SRI C. SUBRAMANIAM :—" Sir, these were loans granted to refugees from Burma, Malaya and other places who came here during the War in pursuance of the Government of India's scheme to give financial assistance to them."

SRI C. H. KANARAN :—" Sir, in view of the fact that many are not able to pay back the loan and they are harassed to pay back the loan, will the Government stop measures taken to recover the loan from these people? "

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THE HON. SRI C. SUBRAMANIAM :—" I have already stated that a considerable amount has been written off where it was not possible to recover the amount. That does not mean that we should write off the entire amount."

SRI S. DAIVASIGAMONEY :—" May I know, Sir, whether any amount written off has been subsidized by the Government of India ? "

THE HON. SRI C. SUBRAMANIAM :—" I have no information about it just now, Sir, that is, from which source this money was paid, whether the entire money came from the Government of India or whether it was State's Government money that was advanced."

SRI M. NARAYANA KURUP :—" Sir, our Union Government have written off crores of rupees due by Burma Government as a result of the partition. Now these refugees have not got any employment and they are really unable to pay back the loan. Therefore, will this Government consider writing off the entire amount that is still outstanding if the amount belonged to them or recommend to the Government of India to write off the amount if the loans were advanced from the Government of India funds? "

THE HON. SRI C. SUBRAMANIAM :—" Sir, I do not think the information given by the hon. Member that crores of rupees of debt due from the Burma Government were written off by the India Government is correct. My information is that it is still kept pending in the books. Whether the Government of India would be able to recover it or not is a different matter. So also these amounts are shown as outstandings in the books. I do not know how much we will be able to recover out of this."

SRI T. C. NARAYANAN NAMBIAR :—" Sir, I have received some letters from people in Ernad and Ponnani taluks, mostly Muslims, who are very poor and unable to pay back the loan. They are being harassed in the collection of these loans. That is why I have asked this question. Therefore will the Government consider the question of writing off the amounts still due to Government if the people concerned are not in a position to pay and also pending such a decision will Government issue instructions to keep in abeyance all collection proceedings? "

THE HON. SRI C. SUBRAMANIAM :—" Sir, in all cases the question whether the person is in a position to pay the loan is considered. If he is not in a position to pay back the loan, the amount is written off. The general writing off of the amount, I am afraid, will not be the correct procedure to adopt in respect of this matter."

SRI S. SWAYAMPRAKASAM :—" Sir, the scheme was put into force in order to enable persons to find suitable employment. Have the Government any figures to show how many of these

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persons were able to find suitable employment? May I also know what were the steps taken to recover the money due from them and the steps taken to write off the amount due from those unable to repay the loan? ''

THE HON. SRI Ç. SUBRAMANIAM :—'' Perhaps an enquiry of the sort suggested by the hon. Member will involve an expenditure of another few lakhs of rupees. Instead of doing that, each case can be considered on its own merits when the time for recovery comes.''

SRI K. KUNHI MOHAMED SHAFEE :—'' Sir, on a previous occasion when this question was raised on the floor of this House it was stated that the entire amount was advanced by the Government of India as an immediate relief measure for the refugees from Burma, Malaya and other places outside India. It was also stated that the Government of Madras was only doing the collection work on behalf of the Government of India and the expenditure in this respect was met by the Government of India. Under these circumstances will the Government consider discontinuing taking further proceedings against those who are not able to pay the amount at this time? ''

THE HON. SRI C. SUBRAMANIAM :—'' I have not got the facts regarding the source from where the money came. But apart from that we cannot disown responsibility for collection of the amount simply because the money came from the Government of India. Wherever it is not possible to recover the amount, certainly it will be written off.''

SRI V. BALAKRISHNAN :—'' Sir, may I know which Government initiated the idea of granting these loans; is it the Central Government or the State Government? ''

THE HON. SRI C. SUBRAMANIAM :—'' It is the Central Government Sir, who formulated the scheme of financial assistance during war time.''

SRI M. NARAYANA KURUP :—'' Sir, in issuing coercive process under civil law certain movables and income up to a certain limit are exempt from attachment. Is the same procedure followed in recovering debts due in this matter also? ''

THE HON. SRI C. SUBRAMANIAM :—'' I think this will come under the Revenue Recovery Act and all provisions in that Act will be applicable to in the recovery of these loans. But individual hard cases are certainly considered and wherever it is desirable, the amount is written of.''

B.C.G. Vaccination

* 1681 *Q.*—SRI M. NARAYANA KURUP : Will the Hon. the Minister for Health be pleased to state—

(*a*) whether the Government recently conducted a campaign of B.C.G. vaccination in the towns of Coimbatore and Kozhikode;

(b) how many were given B.C.G. vaccination; and

(c) how does the result in both places compare with regard to immunity from tuberculosis?

THE HON. SRI A. B. SHETTY :—" (a) Yes, Sir.

" (b) The number of persons who were vaccinated with B.C.G. in the towns of Coimbatore and Kozhikode (including the belt areas of municipalities up to a radius of 5 to 6 miles) are 168,543 and 47,751 respectively.

" (c) It is not possible to judge the degree of immunity from the results of B.C.G. vaccination. All that can be said is that the prevalence of tuberculosis infection is higher in Kozhikode town than in Coimbatore."

SRI M. NARAYANA KURUP :—" Is it a fact that 75 per cent of the cases in Kozhikode showed resistance to this vaccination which means they are already infected at least to some extent with the T.B. Bacilli? "

THE HON. SRI A. B. SHETTY :—" I have already said that the infection rate is higher in Kozhikode than in Coimbatore."

SRI K. P. GOPALAN :—" Will the Government be pleased to extend this campaign to panchayats and villages in Malabar district? "

THE HON. SRI A. B. SHETTY :—" In the first round the district headquarters towns and cities and belt areas are being taken up. In the second round smaller municipalities and major urban areas will be taken up. The villages will be covered in the third round."

SRI S. RAMALINGAM :—" When do the Government propose to extend this campaign to the municipalities in Tanjore district? "

THE HON. SRI A. B. SHETTY :—" By the end of this year all the district headquarters municipalities will be covered, Sir."

SRI T. C. NARAYANAN NAMBIAR :—" Are Government giving any special batta or allowance to the Health Inspectors who are deputed to Kozhikode and distant places from their headquarters in view of the fact that they are working for more hours and also in new places? ".

THE HON. SRI A. B. SHETTY :—" Yes, Sir. Some extra allowance has recently been sanctioned."

SRI N. K. PALANISAMY :—" May I know whether re-tests
8-50 a.m. were conducted after the B.C.G. vaccination and what was the result? "

THE HON. SRI A. B. SHETTY :—" Sir, a few re-tests may be done after vaccination."

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SRI M. P. SUBRAMANYAM :—" May I know whether it is due to want of sufficient supply of B.C.G. vaccine or sufficient trained men, that the Government are unable to extend the scheme throughout the State immediately."

THE HON. SRI A. B. SHETTY :—" It cannot be done immediately. It must be done by stages progressively. As I said, all the district headquarters towns and cities and also the belt areas will be covered by the end of this year."

SRI M. NARAYANA KURUP :—" The Hon. Minister has stated that the incidence is higher in Kozhikode than in Coimbatore. Will he be pleased to give the degree of the incidence? "

THE HON. SRI A. B. SHETTY :—" Among the cases where tuberculin testing was done, it was 73·1 per cent positive in the Kozhikode Municipality as against 60 per cent in Coimbatore, and in the belt areas it was 55 ;7 per cent in Kozhikode as against 49·7 per cent in Coimbatore belt areas."

SRI S. DAIVASIGAMONEY :—" It is a well-known fact that tuberculosis is mostly due to undernourishment. If so, besides giving the B.C.G. vaccination, will the Government come forward to offer food and monetary help to the persons who have been vaccinated with B.C.G."

THE HON. SRI A. B. SHETTY :—" No, Sir, it is an impractical suggestion that the hon. Member has made. I am surprised at it. It is no doubt true that better feeding and better housing are the principal measures required for controlling tuberculosis. But the B.C.G. is one of the control measures for it in the circumstances in which we are placed now."

DR. K. B. MENON :—" Has the Hon. Minister any information about the incidence of this disease with reference to sex and age? "

THE HON. SRI A. B. SHETTY :—" No such survey has been done to enable us to arrive at correct figures regarding this matter."

SRI T. ANANTA PAI :—" The Hon. Minister has given information regarding the number of people who got themselves vaccinated in Kozhikode and Coimbatore. Could he also give information regarding the number of people who did not offer themselves for vaccination in those two places or the percentage of people who got themselves vaccinated in those two places? "

THE HON. SRI A. B. SHETTY :—" Only persons between the age of 1 and 25 are usually tested because people when they grow older become resistant by natural process to this disease. When they get infection, they develop resistance."

Agricultural equipment

* 1682 *Q.*—SRI S. DAIVASIGAMONEY (on behalf of Sri A. Ratnam) : Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) what are the agricultural equipments ordered by the State Government from abroad ; and

(*b*) whether such equipments have been ordered because they are not available locally?

THE HON. SRI M. BHAKTAVATSALAM :—" (*a*) Nil.

" (*b*) Does not arise."

Headmaster of Town High School, Kumbakonam

* 1683 *Q.*—SRI S. RAMALINGAM (on behalf of Sri C. Kandasamy) : Will the Hon. the Minister for Finance be pleased to state—

(*a*) whether the Government are in receipt of a representation from the students of the Town High School, Kumbakonam, requesting the Government to intervene in the efforts of the Managing Committee of the said School to remove the present Headmaster of the School during the month of February 1955 or earlier and

(*b*) if so, what action was taken by the Government in this connexion?

THE HON. SRI C. SUBRAMANIAM :—" (*a*) & (*b*) A copy of the resolutions passed by the parents and guardians of the students of the Town High School, Kumbakonam, was received by Government. No action was taken on the resolutions, as it is open to the Headmaster to make a representation to the Director of Public Instruction who is the appellate authority."

Contracts in Community Project area in South Arcot district

* 1684 *Q.*—

MR. SPEAKER :—" The hon. Member is not here and the answer will be printed in the proceedings."

SRI A. RATNAM : Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) the number of contracts given for works under the Community Project Scheme in South Arcot district in the year 1953–54 ;

(*b*) the number of contracts given and works executed by the Harijan contractors among them; and

(*c*) if no contract was given to Harijans the reasons therefor?

THE HON. SRI M. BHAKTAVATSALAM :—" (*a*) Nil.

" (*b*) Nil.

" (*c*) Does not arise."

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Wages of workers in Vaigai Anicut Project

* 1685 *Q.*—SRI V. MUTHU : Will the Hon. the Minister for Public Works be pleased to state—

(*a*) the scheduled rates of daily wage per head (men and women) for the labourers working in the Vaigai Anicut Project; and

(*b*) whether the Government are enforcing the payment of the full scheduled rates of wages to the labourers, and if so, how?

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—(*a*) Re. 1–4–0 for men mazdoors and Re. 0–13–0 for women mazdoors.

"(*b*) No, Sir. The department pays women mazdoors wages at the scheduled rates. But men mazdoors are not paid wages at the scheduled rates as they are available for employment at less than the scheduled rates of wages. Labourers employed by contractors or job workers are paid by them at rates higher or lower than the scheduled rates of wages according to the work turned out by each worker. There are no means of enforcing payment of wages by them at a particular rate."

SRI V. MUTHU :—"இம்மாதிரி பிராஜெக்ட் வேலைகளை சர்க்கார் எடுத்து நடத்தும்போது அந்தப் பக்கத்திலுள்ள ஏழை மக்களுக்கு வேலை கொடுக்கவேண்டுமென்பதும் முக்கியமான கொள்கை. அப்படியிருக்க அணைக்கட்டு வேலை நடக்கும் இடத்தைச் சுற்றிப் இருப்பவர்கள் மிக ஏழைகள், கூலிக்கு வேலை செய்து பிழைக்கும் ஜனங்கள். அவர்களுக்கு கம்ப்ளெயிண்டு இருக்கிறது. ஏற்கெனவே அவர்கள் ஒரு தொழிற் சங்கத்தை ஏற்படுத்தியிருக்கிறார்கள். ஒரு சமயம் அவர்கள் வேலை நிறுத்தம் செய்யப்போவதாக நோட்டீஸ் கொடுத்திருந்தார்கள். சர்க்காருடைய எஸ்டிமேட்டே அதிகமாகத்தான் இருக்கும். அந்த எஸ்ட்டிமேட்டின்படியுள்ள வேலையை கண்டிராக்டர்கள் எடுத்துச் செய்யும்போது அதிக லாபம் கிடைக்கும் என்பதும் எல்லோருக்கும் தெரியும் . . ."

MR. SPEAKER :—"பிரசங்கம் செய்கிறீர்களே, கேள்வியாகப் போடுங்கள்."

SRI V. MUTHU :—"ஏழை கூலியாட்களுக்கு சரியான கூலி கிடைப்பதில்லை என்ற 'கம்ப்ளெயிண்டு' இருந்துவருகிறது. அதைச் சர்க்கார் கவனித்து அவர்களைநல்ல முறையில் நடத்தும்படியாக செய்வார்களா?"

THE HON. SRI R. SHANMUGA RAJ SWARA SETHUPATHI:—"கனம் அங்கத்தினர் கேட்கும் கேள்வியின் அர்த்தமே எனக்குப் புரியவில்லை. கூலி கொடுக்காமல் வேலை எப்படி வாங்க முடியும்? அங்கத்தினர் தெளிவாகக்கேள்வியைக் கேட்டால் ப;தில் சொல்ல முடியும்."

SRI V. MUIHU :—"ஆட்களுக்கு கூலியே கொடுக்கவில்லை என்று நான் சொல்லவில்லை. கூலி கொடுக்காவிட்டால் வேலை நடந்திருக்காது என்பது எல்லோருக்கும் தெரிந்த விஷயந்தான். நான் சொல்வதென்னவென்றால், சர்க்காரால் நிர்ணயிக்கப்பட்ட அடிப்படையில் ஆட்களுக்குக் கூலி கொடுக்கப்படாமல் மிக மோசமான விதத்தில் கூலி கொடுக்கப்படுகிறது என்பதை மந்திரி அவர்களின் கவனத்திற்குக் கொண்டு வர விரும்புகிறேன்."

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—"ஆண்களுக்கு ரூ. 1–4–0 கூலியென்று நிர்ணயிக்கப்பட்டிருந்தும் அதற்கும் குறைவாகவும் கொடுத்துக்கொண்டிருக்கிறார்கள். குறைவான

TRUTH ALONE TRIUMPHS

அளவு கூலி வாங்கிக்கொண்டு வேலை செய்வதற்கு அங்கு ஆட்கள் இருக்கும்போது நிர்ணயிக்கப்பட்ட கூலியில் ஒரு சிறிய அளவுக்கு குறைத்து ரூ. 1-2-0, ரூ. 1-1-0 என்றும் கொடுக்கப்படுகிறது. கண்டிராக்டர் ஆட்களுக்கு கூலி கொடுப்பதிலும் ஏற்றத்தாழ்வு இருக்கிறது. சர்க்கார் கொடுக்கும் கூலி விகிதத்திற்கும் கண்டிராக்டர்கள் கொடுக்கும் கூலி விகிதத்திற்கும் ஒருவிதமான சம்பந்தமும் இல்லை."

Sri M. KALYANASUNDARAM:—" கண்டிராக்டர்களுக்குச் சேர வேண்டிய தொகையை சர்க்கார் ஒழுங்காகக் கொடுத்துவிடுகிறார்கள். சர்க்கார் கொடுப்பதில் தகராறு இல்லை. குறிப்பிட்ட ஒரு திட்டத்திற்கு கூலிச செலவுக்காக எவ்வளவு ஆகும் என்று கண்டிராக்டர்கள் மதிப்பிட்டு சர்க்காருக்குக் கொடுத்திருக்கக்கூடிய திட்டத்தின்படி கண்டிராக்டர்கள் தொழிலாளிகளுக்குக்கூலி கொடுப்பதில்லை. கண்டிராக்டர்கள் ஒழுங்கான முறையில், நிர்ணயிக்கப்பட்ட அடிப்படையில் கூலி கொடுக்கவில்லையென்றால் அப்படிப்பட்டவர்களுடைய கண்டிராக்டை ரத்து செய்து நடவடிக்கை எடுக்கவும், தொழிலாளிகளுக்கு ஒழுங்காக கூலி கிடைக்கும்படிச் செய்யவும் சர்க்கார் முயற்சி எடுத்துக்கொள்ளுவார்களா ? "

The Hon. Sri R. SHANMUGA RAJESWARA SETHUPATHI :—" தொழிலாளிகளிடமிருந்து அரசாங்கத்திற்கு எந்தவிதமான பிரார்த்தனையோ கோரிக்கையோ, புகாரோ வராமலிருக்கும்போது அரசாங்கமே எந்த நடவடிக்கையும் எடுத்துக்கொள்வதற்கில்லை."

Sri K. R. NALLASIVAM :—" குறைந்த கூலி வாங்கிக்கொண்டு டிபார்ட்மெண்டின் கீழ் வேலை செய்யக்கூடிய கூலிகளுக்கு அணைக்கட்டுப் பிரதேசத்தில் குடியிருப்பு வசதி ஏதாவது செய்யப்பட்டிருக்கிறதா ? "

The Hon. Sri R. SHANMUGA RAJESWARA SETHUPATHI :—" அது வேறு கேள்வி."

Sri K. P. GOPALAN :—" Will the Government instruct maistris to give wages to workers according to the principle of ' equal pay for equal work '? "

The Hon. Sri R. SHANMUGA RAJESWARA SETHUPATHI :—" Is it the intention of the hon. Member, why difference is shown between men and women in the matter of wages? "

Sri K. P. GOPALAN :—" In the matter of wages there is a difference between them. After all it is not an expert work. I want to know whether the Government will accept the principle of ' equal pay for equal work ' irrespective of the sex? "

The Hon. Sri R. SHANMUGA RAJESWARA SETHUPATHI :—" It is a big trouble for the Government to assess the quantum of work. That apart, it is an accepted fact that men can turn out more work than women. So, there is a difference in their wages."

Sri V. BALAKRISHNAN :—" ஜீவனத்திற்காக யாருக்கு வேலையும் ஊதியமும் அவசியமோ அவர்களை வேலைக்கு எடுத்துக்கொள்ளாமல் ஆடம்பரமாக இருக்கும் பெண்களைத்தான் கண்டிராக்டர்கள் கூலி வேலைக்கு எடுத்துக்கொள்ளுகிறார்கள் என்பது மந்திரி அவர்களுக்குத் தெரியுமா ? "

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THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" The Hon. Member may have more information with him about contractors and their natural inclinations but I am unable to give it."

SRI MOOKKIAH THEVAR :—" இது சம்பந்தமாக அங்கு அடிக்கடி கலவரம் ஏற்பட்டுக்கொண்டிருக்கிறது. கலவரம் ஏற்பட்டு போலீஸ் ஸ்டேஷனுக்கும் போயிருக்கிறது. இன்ஜினீர் ஒருவர் பத்து ரூபாய் லஞ்சம் வாங்கியதாக ஒரு புகார் இருந்தது. சர்க்காருக்கும் தகவல் வந்திருக்கும். எங்களுக்கும் தகவல் கிடைத்திருக்கிறது."

MR. SPEAKER:—" ஒரு அதிகாரியின்மீது நீங்கள் குற்றஞ் சாட்டிப் பெசவேண்டுமானால் அந்தக் குற்றங்கள் ருசுப்பிக்கக்கூடியதாக இருக்கவேண்டும்."

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" யார் ஒருவர் லஞ்சம் வாங்கினார் என்பதற்கு ஆதாரபூர்வமாக தகவல் கொடுத்தால் தகுந்த நடவடிக்கை எடுக்கலாமேயொழிய, ஆதாரமற்ற புகார்களைச் சொன்னால் நான் ஒன்றும் செய்வதற்கில்லை."

SRI S. RAMALINGAM :—" தொழிலாளிகளிடமிருந்து சர்க்காருக்கு ஏதாவது விண்ணப்பம் வந்திருந்தால் அதன்மீது நடவடிக்கை எடுக்கலாம் என்று மந்திரி அவர்கள் சொன்னார்கள். கண்டிராக்டர்களிடம் வேலை செய்யும் தொழிலாளிகளுக்கு கூலி உத்தரவாதம் கிடையாது. அவர்கள் சர்க்காரிடம் ஏதாவது புகார் செய்துகொண்டால் உடனே அவர்கள் வேலையிலிருந்து நீக்கப்படுவார்கள் என்ற அபாயம் இருக்கிறது. ' சர்க்காரால் நிர்ணயிக்கப்பட்ட கூலியைவிட மிகக் குறைவான கூலி கொடுக்கப்படுகிறது ' என்று அந்தப் பக்கத்திலிருந்து வந்திருக்கும் எம்.எல்.ஏ. சர்க்காருக்கு தெரியப்படுத்திருக்கிறார்கள். சர்க்காரால் நிர்ணயிக்கப்டட்ட கூலியைவிட மிகக் குறைவான கூலியைக் கண்டிராக்டர்கள் கொடுத்தார்கள் என்று புகார் சொன்னதன்பேரில் தொழிலாளிகள் வேலையிலிருந்து நீக்கப்பட்டால் சர்க்கார் தொழிலாளிகளை தனிப்பட்ட இலாக்காவில் சேர்த்துக் கொள்ளாவிட்டாலும், மேற்பார்வையாவது நேரடியாகநடத்துவதற்கு சர்க்கார் நடவடிக்கை எடுப்பார்களா ?"

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" கனம் அங்கத்தினர் சொல்கிறது ரொம்ப கஷ்டமானதும் நெரடானதுமானவிஷயம். பெரியகண்டிராக்டரிடம் சிறியசிறிய கண்டிராக்டர்கள் ஒப்பந்தம் பண்ணிக்கொண்டு குறைந்த தொகைக்கு வேலைகளை நடத்துவதற்கு ஒப்புக்கொள்ளுகிறார்கள். தொழிலாளிகளுக்குக் கொடுக்கப்படும் கூலி சரியல்ல என்று அவர்கள் முறையிட்டால் கண்ட்ராக்டர்களை கூப்பிட்டுக் கேட்கலாம், கண்டிர க்டை சர்க்கரர் ரத்து செய்யலாம். இதில் இன்னொரு விஷயத்தையும் நாம் கவனிக்கவேண்டும். ஒரு வேலையைக் கண்டிராக்டுக்கு விட்டுவிட்டு அதன்பிறகு கண்டிராக்டர்கள் என்ன செய்கிறார்கள் என்று ஒவ்வொரு கட்டத்திலும் சர்க்கார் பார்த்துக்கொண்டேயிருக்க வேண்டுமென்றால் வேலை நடப்பது கஷ்டமாக இருக்கும்."

DR. K. B MENON :—" Sir, since the issue has come up that 9 a.m.
the contract system is riddled with corruption and exploitation, will the Government explore the possibilities of getting rid of that system and introducing some other system, which is more satisfactory and fair to labour, thereby making casual labour that is employed for a number of years more or less permanent? Will they prepare a list of such labourers also?"

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" The hon. Member suggests to the Government

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to explore the possibilities of introducing a different system. I would like the hon. Member to give me his suggestions as to what kind of system he wants me to adopt, so that it can be investigated.''

SRI M. KALYANASUNDARAM :—" கண்ட்ராக்டுக்கு விடுவதால்தான் இம்மாதிரியான தகராறுகள் அதிகமாகி வருகின்றன. கண்ட்ராக்டுக்கு விடாமல் நேரடியாகவோ அல்லது டிபார்ட்மெண்ட் மூலமாகவோ வேலைகளை நடத்துவதற்கு சர்க்கார் முன்வருவார்களா ? கண்ட்ராக்டர்கள் தொழிலாளர்களுக்குக் கொடுக்கும் சம்பளத்தை நிர்ணயம் செய்து சர்க்காரே நேரடியாக தொழிலாளர்களுக்கு சம்பளத்தைக் கொடுத்து விட்டு அந்தத் தொகையை, கண்ட்ராக்டர்களுடைய பில்களை பாஸ் செய்யும்போது, சர்க்காரே வைத்துக் கொண்டு தொழிலாளர்களுக்கு கொடுப்பதற்கு சர்க்கார் யோசிப்பார்களா ? "

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—
"கண்ட்ராக்டர்கள் கொடுத்தாலும் டிபார்ட்மெண்ட் கொடுத்தாலும் இப்பொழுது கனம் அங்கத்தினர்கள் சொல்லும் கொள்கைப்படி டிபார்ட்மெண்ட் ஊழியர்களும் லஞ்சம் வாங்குகிறார்கள் என்று சொல்லும்படியான நிலைமை ஏற்படும். அதைப்போலவே கண்ட்ராக்டர்களையும் சொல்லலாம். கண்ட்ராக்டர்கள் சரியாக நடந்துகொள்ளாவிட்டால் அவர்களுக்கு வேறு இடங்களில் கண்ட்ராக்ட் கொடுக்காமல் இருக்கலாம். கண்ட்ராக்டர்கள் ரூ. 1-2-0 கொடுப்பதற்கு பதிலாக ரூ. 1-1-0 கொடுத்தால் இந்த ஒரு அணா போனாப் போகிறது என்றுதான்சொல்ல முடியும். ஆனால் கூலி கொடுப்பதில் அநீதியாக நடந்துகொண்டால் அந்தக்கண்ட்ராக்டர்பேரில் நடவடிக்கை எடுத்து அந்தக்கண்ட்ராக்டை ரத்து செய்ய முன்வராமல் சட்ட பூர்வமாக நடவடிக்கைஎடுப்பதற்கு இடம் இருப்பதாகத் தெரியவில்லை."

SRI V. MUTHU :—" கனம் மந்திரி அவர்கள் சொல்லும்போது அம்மாதிரி கம்ப்ளெயின்ட் ஒன்றும் வரவில்லை என்று சொன்னார்கள். அனுபவத்தைப் பார்த்தால் இது நன்றாகத் தெரியவரும். அம்மாதிரி கூலியைக் குறைத்துக்கொடுக்கிறார்கள் என்பது எல்லோருக்கும் தெரியும். சர்க்காருக்கும் தெரிந்திருக்கலாம். கண்ட்ராக்டர்கள் படிப்படியாக கூலியை 10 அணா வரை குறைத்துக் கொடுக்கிறார்கள். ஆகையால் பெட்டி கண்ட்ராக்டர் முறையை ஒழித்துக்கட்டி ஒரே கண்ட்ராக்டர் முறையைப் பின்பற்றுவார்களா ?"

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—
"கம்ப்ளெயின்ட் வந்திருக்கிறதா என்று சொல்வதற்கு இல்லை. கம்ளெயின்ட் ஆதார பூர்வமாக வந்தால்தான் அதன்பேரில் நடவடிக்கை எடுக்கலாம். இப்பொழுது ஆதார பூர்வமாக வரவில்லை. அதனால்தான் இதைப்பற்றி தக்க நடவடிக்கை எடுக்க முடிய வில்லை. ஆதார பூர்வமாக வந்தால் நடவடிக்கை எடுத்துக்கொள்ளலாம்."

SRI P. VENKATESHA SHOLAGAR:—" கண்ட்ராக்டர்கள் இவ்வளவு கூலிகொடுக்க வேண்டும் என்று அவர்களைக் கட்டாயப்படுத்த முடியாது என்று கனம் மந்திரி அவர்கள் சொல்லுகிறார்கள். கட்டுப்படுத்தாமலே வெளி ஆட்கள் வரமுடியாமல் எக்சிக்யூட்டிவ் அதிகாரத்தின் மூலம் நிறைவேற்றமுயன்றால் அவர்கள் வெளி ஆட்கள் கிடைக்காமல் அந்த பிரதேச கூலிகளுக்கே நியாயமான கூலியைக் கொடுத்து வேலை வாங்க முன்வருவார்கள். அத்தகைய நடவடிக்கைகளை எடுக்க சர்க்கார் முன்வருமா என அறியவிரும்புகிறேன்."

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—
" கனம் அங்கத்தினருடைய யோசனை மிகவும் நன்றாக இருக்கிறது. எந்த சட்டத்தைக் கொண்டு எந்த அதிகாரத்தைக் கொண்டு அப்படிச் செய்ய முடியும் என்பதை விளக்கினால் அதற்குத் தகுந்த நடவடிக்கை எடுத்துக் கொள்ளப்படும்."

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SRI M. NARAYANA KURUP :—" Sir, is it a condition in the contract that the contractor is liable to pay the labourer the same wages allowed by the Government? If not, will the Government make it a condition in every contract? "

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" Sir, while submitting his tender for the work, the contractor may be asked to state what wages he proposes to pay the workers. Then there may be a possibility of enforcing it and I shall explore that."

SRI M. KALYANASUNDARAM :—" தொழிலாளர்கள் நேரடியாக சர்க்காரிடம் முறையிட்டால் அதை கவனிப்பதாகச் சொல்லுகிறார்கள். தொழிலாளர்கள் நேரடியாகச் சர்க்காருக்குக் கடிதம் எழுதினால் பிற்பட்டு அவர்கள் கண்ட்ராக்டர்களிடம் வேலை பார்க்க முடியாது. இப்பொழுது எய்டட் ஸ்கூல் உபாத்தியாயர்களுக்கு சம்பளம் ஒழுங்காக கிடைக்கவில்லை என்று தெரிந்துகொண்டு சர்க்கார் அவர்களுக்கு நேரடியாகக் கொடுக்க முன் வந்திருக்கிறார்கள். அதைப்போலவே தொழிலாளர்கள் சர்க்காரிடம் வேலை செய்யும்போது, அதுவும் சர்க்காருடைய வேலையைச் செய்வதால் கர்க்கார் அவர்களுக்கு சம்பளத்தைக் கொடுப்பதற்கு பொறுப்புள்ளவர்களாக இருக்கிறார்கள்.—அதன் காரணமாக சர்க்கார் தொழிலாளர்களுக்கு நேரடியாகப் பணத்தைக் கொடுத்துவிட்டு கண்ட்ராக்டர்களுடைய பில்லை பாஸ பண்ணும்போது இந்தத் தொகையை அதில் கழித்துக்கொண்டு கண்ட்ராக்டர்களுக்கு மீதிப் பணத்தைக் கொடுப்பதில் சர்க்காருக்கு என்ன ஆட்சேபணை இருக்கிறது என்பதைக் கேட்க விரும்புகிறேன்."

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" This was exactly what I just said in reply to Sri M. Narayana Kurup. I said that there may be a possibility of asking the contractor to state while tendering for the work to specify the wages he is likely to pay and we can enforce that. We will collect the wages at that particular rate and pay the workers. In that case, there may not be any contractor willing to tender for the work. That way will come the hitch."

SRI S. SWAYAMPRAKASAM :—" Sir, from the answers given on the floor of the House, we find that there is some difficulty in the disbursement of wages due to the labourers. It is likely that the labourer may not get the wages he is entitled to. At the same time, the contractors are also liable to commit fraud. May I suggest to the Government to pay the wages to the workers directly? In that case also, there may be difficulty and there may be delay. If the contractor is asked to pay the amount, the Government may depute a particular officer to go to the spot and see that the wages are disbursed promptly in the presence of the contractor. I think this system can work satisfactorily."

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" I would request the hon. Member to leave the matter entirely to me. As I have said, there can be only one possibility of the contractor being asked to specify the wages he is likely to pay for a particular work. There can

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be a certain amount of enforcement and sudden checks can be effected. There can be no hard and fast rule. We cannot depute a man to sit there and watch the disbursement. Later on, charges may be levelled that the officer was corrupt and that he colluded with the contractor and that the labourer did not get his due share. That is also again getting into a vicious circle. If the hon. Member can exercise some patience, I shall explore the possibility of introducing a system by which the contractor can be tied down and asked to specify the rates of wages he is likely to pay. We can insert a clause in the contract to that effect and I shall have it examined. Until such time, I request the hon. Member to be a little more patient.''

SRI N. RAJAGOPAL :—" சர்க்காருடைய ஷெட்யூல் ரேட்ஸ் யுத்த காலத்தில் தயாரிக்கப்பட்டது. இன்றைய நிலையில் கூலி நிலவரம் சற்று குறைந்திருக்கிறது. அதன் காரணமாக கண்ட்ராக்டர்கள்தான் அந்த லாபத்தை அடைகிறார்கள். அதை தொழிலாளர்களுக்குக் கொடுக்க மறுக்கிறார்கள். ஆகவே சர்க்கார் நாட்டின் நிலவரத்தை அனுசரித்து ஷெட்யூல் ஆப் ரேட்ஸை திருத்துவார்களா என்பதை அறிய விரும்புகிறேன் ? ''

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" That is a separate question from the one we are discussing. If the hon. Member puts a separate question and makes his suggestions, I shall have them considered.''

SRI N. K. PALANISAMY :—" மத்திய சர்க்காரால் ஏற்படுத்தப்பட்ட பரிசீலனைக்கமிட்டி மராமத்து இலாகாவின் கீழ் வேலைசெய்யும் ஆட்களையும் கண்ட்ராக்டர்களின் கீழ் வேலைசெய்யும் ஆட்களைப்பற்றியும் தொடர்ந்து பரிசீலனை செய்து விசாரணை நடத்தி ரிப்போர்ட்டு சமர்ப்பித்திருக்கிறார்கள். அதன்படி எல்லா ராஜ்யங்களையும்விட சென்னை ராஜ்யத்தில்தான் அதிகமாக கூலி கொடுக்கிறார்கள் என்றும் மற்ற மாகாணங்களில் மராமத்து இலாகா குறைவாகக் கொடுக்கிறது என்றும் அதனால் குறைந்தபட்ச சம்பளத்தை நிர்ணயிக்க வேண்டும் என்று சிபாரிசு செய்திருக்கிறார்கள். போன வருஷம் இந்த ராஜ்ய லேபர் கமிட்டிக் கூட்டத்தில் இதைப்பற்றி முடிவு செய்யவேண்டும் என்று வற்புறுத்தப்பட்டது. அதை அனுசரித்து குறைந்தபட்ச சம்பளத்தை நிர்ணயிக்க கனம் மந்திரி அவர்கள் விசாரணை செய்ய ஏற்பாடு செய்வார்களா ? ''

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" இது வேறு விஷயம். இதைப்பற்றி தனிக் கேள்வியாகக் கேட்டால் அதைப்பற்றி பதில் சொல்லுகிறேன்.''

SRI T. C. NARAYANAN NAMBIAR :—" Sir, will the Government see that worker-contractors are encouraged to take up such schemes? For instance, in Urangal in Malabar, there is a society of workers. The workers themselves have formed into a society and they can be given the contracts. As a matter of fact, the Public Works Department and the other Departments of the Government are not giving contracts to such workers' societies. Will the Government consider the feasibility of giving the contracts to such workers' societies?''

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THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—" I do not think what the hon. Member says is correct. But I presume that they are also taking their chance along with the other contractors and perhaps their rates may not compare favourably. We will try to encourage such workers' societies as far as possible, provided that their rates and conditions are also reasonable. I shall have this impressed on the Engineers and see that they are encouraged."

MR. SPEAKER :—" I have allowed enough time for this question. We shall pass on to the next question."

Steel plant with Soviet aid

* 1686 *Q.*—SRI T. C. NARAYANAN NAMBIAR: Will the Hon. the Minister for Agriculture be pleased to state whether the Madras Government have approached the Government of India for the establishment in this State of a Steel Plant proposed to be re-established by the Government of India with the aid of the Soviet Union? 9-10 a.m.

THE HON. SRI M. BHAKTAVATSALAM :—" The Government of India were addressed for the establishment of a steel plant in this State. But it was not with any special reference to any steel plant which might possibly be put up with the aid of the Soviet Union."

Arrears of sales tax due from traders in Agra

* 1687 *Q.*—SRI V. R. NAGARAJAN (on behalf of Sri K. Aranganathan) : Will the Hon. the Minister for Revenue be pleased to state—

(*a*) whether there are arrears of sales tax due to the State Government from some traders who are in Agra; and

(*b*) if so, the action taken to recover the same?

THE HON. SRI M. A. MANICKAVELU :—" (*a*) Sri Gupta Trading Company, Matur Glass Works, Ferozabad, Agra, assessees on the file of the Deputy Commercial Tax Officer, Peddunaickenpet, Madras, are in arrears of sales tax to this State Government as follows :—

1952–53 Rs. 51–10–6.

1953–54 Rs. 34–1–5.

No other dealer in Agra is in arrears of sales tax.

" (*b*) The Commercial Tax Officer, North Madras, has addressed the Collector of Madras for the issue of a certificate under the Revenue Recovery Act for addressing the Uttar Pradesh Government for the collection of the arrears."

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SRI V. R. NAGARAJAN :—" As the arrears of sales tax due to this State Government from the traders who are in Agra are very small amounts, are we to take it, Sir, that these arrears of sales tax represent the amount of tax due for the trade carried on within this State even though the persons concerned are living at Agra? "

THE HON. SRI M. A. MANICKAVELU :—" Yes, Sir.

SRI S. RAMALINGAM :—" இந்த 80 ரூபாயை வசூல் பண்ணுவதற்கு சர்க்கார் எத்தனை ரூபாய் செலவழிக்கவேண்டும் ? "

THE HON. SRI M. A. MANICKAVELU :—" In the process I enumerated, there will not be much of expenditure."

SRI M. NARAYANA KURUP :—" May I know whether there has been any suggestion that sales tax on inter-State trade be collected by the Central Government and be distributed to the States concerned? "

THE HON. SRI M. A. MANICKAVELU :—" Probably the hon. Member refers only to the idea expressed by the Taxation Enquiry Commission."

SRI V. R. KRISHNA AYYAR :—" May I know whether large arrears of sales tax are due to this State Government from traders living in other States like Bombay, West Bengal, and whether the Government are trying to come to an agreement with the different State Governments in the matter of collection of taxes due to each State from other States? "

THE HON. SRI M. A. MANICKAVELU :—" That is a different question. The main question relates to arrears of sales tax due from traders in Agra."

* 1688 *Q.*—

MR. SPEAKER :—" This question will be taken up to-morrow."

Community Platforms, Coimbatore district

* 1689 *Q.*—SRI N. K. PALANISAMY : Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) the amount allotted for the construction of Community Platforms in the Coimbatore district for the year 1953–54; and

(*b*) the number of such platforms constructed so far?

THE HON. SRI M. BHAKTAVATSALAM :—" (*a*) A sum of Rs. 16,500 was allotted to the Coimbatore district for the construction of platforms during 1953–54.

" (*b*) Twenty-three platforms have been constructed so far."

SRI N. K. PALANISAMY :—" கனம் மந்திரி அவர்கள் அந்தத் தொகை பூராவையும் ஏன் செலவு செய்யவில்லை ? அதற்குக் காரணம் என்னவென்று சொல்வார்களா ? "

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THE HON. SRI M. BHAKTAVATSALAM :—" கிராமவாசிகள் தங்களுடைய பங்கையும் செலுத்தவேண்டும். அவர்களுடைய ஒத்துழைப்புடன்தான் இந்தத் திட்டங்கள் நிறைவேற்றப்பட்டு வருகின்றன. 28 கிராமங்களை எடுத்துக் கொண்டோம். 23 கிராமங்களில் வேலை பூர்த்தியாகிவிட்டது. இன்னும் 5 கிராமங்களைப் பொறுத்த வரையில் தான் பில் இன்னும் கொடுக்கப்படவில்லை."

SRI S. RAMALINGAM :—" On a point of order, Sir, கனம் ராமசாமி படையாச்சி அவர்கள் டிரஷரி பெஞ்சியில் உட்காராமல் பின் பெஞ்சியில் மறைந்துகொண்டு ஏன் உட்கார்ந்திருக்கிறார்கள் ? "

THE HON. SRI S. S. RAMASAMY PADAYACHI :—" கேள்வி நேரத்தில் மாத்திரம்தான் நான் அப்படி மறைந்து கொண்டு உட்கார்ந்திருப்பேன். அது முடிந்தவுடன் டிரஷரி பெஞ்சுக்கு வந்துவிடுவேன்." (சிரிப்பு.)

Exemption of dried fish from sales tax

* 1690 *Q.*—SRI V. R. KRISHNA AYYAR : Will the Hon. the Minister for Revenue be pleased to state—

(*a*) whether the Government have received any representation in 1955 requesting exemption of dried fish from sales tax; and

(*b*) whether any action has been taken thereon?

THE HON. SRI M. A. MANICKAVELU :—" (*a*) Yes.

" (*b*) The Government see no grounds for exempting sales of dry fish from sales tax."

SRI V. R. KRISHNA AYYAR :—" Since dried fish dealers are also petty merchants and dried fish may also be classed as ' perishable articles ', will the Government consider the question of giving exemption to dried fish from sales tax? "

THE HON. SRI M. A. MANICKAVELU :—" I am afraid the hon. Member has no personal knowledge of dried fish. Dried fish is a dehydrated thing and it is not perishable. Fresh fish is already exempted from sales tax."

SRI O. KORAN :—" In Malabar district, there are two varieties of dried fish. One variety is easily perishable. So, will the Government consider the question of giving exemption to this variety of dried fish which is easily perishable? "

THE HON. SRI M. A. MANICKAVELU :—" That is a point worth pursuing, and I will try to pursue it."

SRI S. DAIVASIGAMONEY :—" Of all foodstuffs, dried fish is the cheapest and is consumed most by the lower class people. In view of that, will the Government see that sales tax is not levied on dried fish? "

THE HON. SRI M. A. MANICKAVELU :—" The Government have been exempting certain articles from sales tax every year. This year the quota has been exhausted. "(Laughter.)

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SRI A. RAMASAMY TEVAR :—" Arising from the answer given by the Hon. Minister, may I know whether the Hon. Minister has got such experience as to discriminate between perishable dried fish and non-perishable dried fish?"

THE HON. SRI M. A. MANICKAVELU :—" Yes, Sir. It can be discriminated."

DR. K. B. MENON :—" I believe, Sir, that dried fish is treated as ' perishable ' by the railways and there would be obvious contradiction if the Government do not exempt it from sales tax and treat it as non-perishable?"

THE HON. SRI M. A. MANICKAVELU :—" Sir, perishability is one of the tests and not the sole test."

SRI T. C. NARAYANAN NAMBIAR :—" As one who wants fish if the meal is to be sumptuous and who is a fish eater, I may inform the Government that fish like *ayilai* and *mathi* and such kinds of fish are easily perishable and if they are not consumed within two months after they are prepared, they will begin to give bad odour, and become distasteful for eating. In view of these facts, may I know whether the Government will exempt dried fish also from sales tax?"

THE HON. SRI M. A. MANICKAVELU :—" I have already answered in reply to a question by another hon. Member that the question of giving exemption with reference to a particular variety of dried fish will be examined by the Government."

SRI S. SWAYAMPRAKASAM :—" In reply to a question, the Hon. Minister said that the quota for the year with reference to giving exemption to certain articles from sales tax is over. May I know whether exemption from sales tax is given on the basis of the quality of the articler or on the basis of a quota with reference to giving exemption from sales tax to certain articles for each year?"

THE HON. SRI M. A. MANICKAVELU :—" Such answers should not be literally taken."

SRI V. R. NAGARAJAN :—" May I know whether dried fish perish as soon as they are eaten or whether they perish before they are eaten?"

THE HON. SRI M. A. MANICKAVELU :—" I know they certainly perish within the stomach."

SRI V. R. KRISHNA AYYAR :—" The Hon. Minister has given an assurance that he will pursue the matter. May I know whether he will pursue the dried fish dealers or pursue the question of exemption of dried fish from sales tax?"

THE HON. SRI M. A. MANICKAVELU :—" Both should be pursued, the dealers for the sales tax and the question of dried fish with reference to its exemption from sales tax."

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SRI C. H. KANARAN :—" Lakhs and lakhs of people live on fish catches. On account of lack of transport facilities, lot of hardship is caused to fish trade. If dried fish is exempted from sales tax, it will increase the fish trade and benefit the poor fishermen. In view of these facts, may I know whether the Government will consider the question of exempting dried fish from sales tax? "

THE HON. SRI M. A. MANICKAVELU :—" I do not fully accept the premises put forth by the hon. Member. There is no absolute guarantee that the benefit which will arise out of giving exemption to dried fish from sales tax will go to the poor fishermen. It may mostly go to the benefit of traders."

Industrial dispute in Brindavan Estates, Coonoor

* 1691 Q.—SRI M. KALYANASUNDARAM : Will the Hon. the Minister for Agriculture be pleased to state— 9-20 a.m.

(a) whether any conciliation was held by the labour officer in the dispute between the workers and the management of Brindavan Estates, Coonoor, during 1954; and

(b) what action was taken by the Government on the report of the conciliation officer?

THE HON. SRI M. BHAKTAVATSALAM :—" (a) Yes, Sir.

" (b) The Government have referred the dispute to the Industrial Tribunal, Coimbatore, for adjudication."

* 1692 Q.—MR. SPEAKER :—" This question will be taken up tomorrow."

Industrial Tribunal for Plantations

* 1693 Q.—SRI M. KALYANASUNDARAM : Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether the Special Industrial Tribunal for Plantations has completed its enquiry and given the award; and

(b) if so, when?

THE HON. SRI M. BHAKTAVATSALAM :—" (a) No, Sir.

" (b) Does not arise."

SRI M. KALYANASUNDARAM :—" விசேஷ தொழில் கோர்ட்டு எப்பொழுது ஆரம்பிக்கப்பட்டது ? எவ்வளவு காலமாக வேலை நடந்து வருகிறது ? எப்பொழுது விசாரணை முடியும் என்று எதிர்பார்க்கப்படுகிறது ?"

THE HON. SRI M. BHAKTAVATSALAM :—" 24-3-1955-ந் தேதிய உத்தரவுப்படி ' ஸ்பெஷல் இண்டஸ்ட்ரியல் ட்ரிபியூனல் ' தொடங்கப் பட்டது. வேலை இன்னும் முடியவில்லை. சீக்கிரம் முடிந்துவிடும் என்று எதிர்பார்க்கப்படுகிறது. புதிய ஜட்ஜுகூட போடப்பட்டிருக்கிறார்."

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SRI K. P. GOPALAN :—" Sir, in the plantations, the bonus question is an important and standing question now. Will the Government therefore be pleased to advise the Special Industrial Tribunal to give an interim award regarding bonus, to avoid labour disputes especially in the plantations? "

THE HON. SRI M. BHAKTAVATSALAM :—" I now expect that the Tribunal will be able to decide on the various issues raised before long and therefore I do not think that any interim declaration of award is necessary."

SRI S. C. C. ANTHONY PILLAI :—" Sir, according to the answer given by the Hon. Minister, this Tribunal has been sitting for a long period of years trying to decide on the issue. Have the Government enquired why the Tribunal has taken so much time to decide this simple issue? "

THE HON. SRI M. BHAKTAVATSALAM :—" Sir, several comprehensive issues on various points have been raised and the Tribunal has been doing its best; they have to hold elaborate enquiries, go to many places, hear parties and all this takes a lot of time."

SRI M. KALYANASUNDARAM :—" முன்பிருந்த நீதிபதி அனுவசியமாக காலங்கடத்தினார் என்ற அபிப்பிராயமோ என்னவோ, நீதிபதியை மாற்றியாகிவிட்டது. புதிய நீதிபதி போடப்பட்டிருப்பதாகச் சொல்லுகிறார்கள். அதன் காரணமாக இன்னும் நீடிப்பதற்கு சந்தர்ப்பம் இருக்கிறதா என்பதைப் பரிசீலனை செய்து இப்பொழுது விசாரணை நீட்டப்பட்டிருக்கிறதா ? "

THE HON. SRI M. BHAKTAVATSALAM :—" பழைய நீதிபதியை மாற்றிவிட்டார்கள் என்று சொல்வது சரியல்ல. அவருடைய 'டர்ன்' முடிந்துவிட்டது. இப்பொழுது அரசாங்கத்தினுடைய கொள்கை. சர்விஸிலே இருக்கிற நீதிபதியையே வைத்துக்கொள்ளவேண்டும் என்பது. அதற்கிணங்க புதிய நீதிபதி நியமிக்கப்பட்டிருக்கிறார். எல்லாம் முடிந்துவிட்டதினால் அநேகமாக தாமதமின்றி, சீக்கிரத்திலேயே ட்ரிப்யூனலின் வேலை முடியுமென்று எதிர்பார்க்கிறேன்."

SRI K. P. GOPALAN :—" Sir, I want to explain my question. It is that there are so many disputes not only in Malabar, but in Tamil Nad also, as a result of the plantation owners not willing to pay the bonus the workers demand. It will take time—it will take at least one year—for the Tribunal to come to a conclusion and give an award. Therefore, will it be possible for the Government to advise the Tribunal to give an interim award in regard to this bonus question, in order to avoid labour troubles."

THE HON. SRI M. BHAKTAVATSALAM :—" I do understand the question all right, Sir. As I have pointed out, the Tribunal has been sitting so long that I do expect that it will be able to come to conclusions on all the points raised. Therefore, as I said, it would not be necessary just now to suggest to the Tribunal to give an interim award on bonus. Further, it is for the workers and the management to suggest a declaration of interim bonus and not for the Government to suggest it to the Tribunal."

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SRI M. KALYANASUNDARAM :—" பழைய நீதிபதி விசாரணை செய்து வந்து, விட்ட இடத்திலிருந்து புதிய நீதிபதி வந்தவுடன் விசாரணையைத் தொடர்ந்து நடத்துகின்றார்களா அல்லது ஆரம்பத்திலிருந்தே விசாரணை நடைபெறுகிறதா ?"

THE HON. SRI M. BHAKTAVATSALAM :—" பழைய நீதிபதி விசாரணை செய்து வந்து, விட்ட இடத்திலிருந்து தொடர்ந்து விசாரணை நடைபெறுவதாகத்தான் நான் நினைக்கிறேன்."

Repairs to tanks in Malabar

* 1694 *Q.*—SRI M. NARAYANA KURUP : Will the Hon. the Minister for Revenue be pleased to state whether the Government grant loans or subsidies for repairs to tanks in Malabar?

THE HON. SRI M. A. MANICKAVELU :—" Yes. The Government grant loans for the repair of tanks when applied for but no subsidy is being granted."

Local development works in Tindivanam taluk

* 1695 *Q.*—SRI M. VENUGOPALA GOUNDER : Will the Hon. the Minister for Agriculture be pleased to state—

(*a*) whether any work was executed in Tindivanam taluk under the Local Development Works during 1952–53;

(*b*) if so, the amount spent on such work;

(*c*) whether there is any proposal to open a Community Project Centre in Tindivanam taluk during 1954-55; and

(*d*) if so, when it is likely to be implemented?

THE HON. SRI M. BHAKTAVATSALAM :—" (*a*) No, Sir.

" (*b*) Does not arise.

" (*c*) No, Sir.

" (*d*) Does not arise."

* 1696 *Q.*—Postponed to 30th March 1955.

Educational and medical concessions to village officers

* 1697 *Q.*—SRI C. KUNHIRAMA KURUP : Will the Hon. the Minister for Revenue be pleased to state—

(*a*) whether the Government have received a copy of the decisions taken at the Kurumbranad Taluk Village Officers' Conference held on 7th November 1954 at Badagara, regarding fixation of basic pay of village officers and extension of educational and medical concessions granted to Non-Gazetted Officers: and

(*b*) if so, the action taken by the Government in the matter?

THE HON. SRI M. A. MANICKAVELU :—" (*a*) No.

" (*b*) Does not arise."

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SRI V. R. KRISHNA AYYAR :—" May I know whether the Government are considering the question, apart from representations, of extending medical and educational concessions to village officers who are worse off than even the N.G.Os.? "

THE HON. SRI M. A. MANICKAVELU :—" There is nothing under consideration now, Sir."

Educational concessions to Non-Gazetted Officers

* 1698 Q.—SRI M. KALYANASUNDARAM : Will the Hon. the Minister for Finance be pleased to state whether the educational concessions for the children of Non-Gazetted Officers are granted in cases where one of the parents is employed under the Central Government or a pensioner of the Central Government?

THE HON. SRI C. SUBRAMANIAM :—" The answer is in the negative in case one of the parents is employed under the Central Government and in the affirmative if one of the parents is a pensioner of the Central Government."

Takkavi loans

* 1699 Q.—SRI P. K. GOPALAKRISHNAN : Will the Hon. the Minister for Revenue be pleased to state the total amount of Takkavi loans granted in Ponnani taluk in the year 1954?

THE HON. SRI M. A. MANICKAVELU :—" Rs. 41,850."

SRI P. K. GOPALAKRISHNAN :—" Sir, as the Agricultural Demonstrator's office is situated only in the headquarters of subtaluks, certain firkas are not benefited by the grant of the Takkavi loans and many are not at all getting anything and Nattika firka is one such. In view of this, will the Government appoint Agricultural Demonstrators in every firka which has a very large population and also will the Government liberalize the loans to agriculturists? "

THE HON. SRI M. A. MANICKAVELU :—" I thought the sum of Rs. 41,850 was a handsome amount. As for the other thing, if the hon. Member makes a specific suggestion, I shall have it examined."

* 1700 Q.—MR. SPEAKER :—" The Hon. Member Sri Rangasami Naidu wants the question to be taken up tomorrow. This will be taken up tomorrow."

Supply of zinc sheets for Avadi Congress

* 1701 Q.—SRI P. RANGASWAMI REDDIAR : Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether a large number of zinc sheets were supplied by the Government to the organisers of the Congress session at Avadi in January 1955;

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(b) if so, how the sheets were disposed of after the Session was over; and

(c) whether it is a fact that the sheets were sold privately to a single individual; without calling for tenders for the purchase and why?

THE HON. SRI M. BHAKTAVATSALAM :—"(a) to (c) The hon. Member is perhaps under the impression that the Government supplied the G.C. and G.P. sheets to the organizers of the 60th session of the Indian National Congress at Avadi from their stocks and also disposed them of after the session was over. This is not so. The convenor of the Reception Committee of the Indian National Congress Session was permitted by the Iron and Steel Controller, Calcutta, to purchase for use at the session of a large number of sheets from the producers against quota certificates issued by the Controller. The Controller also authorized the convenor to dispose of the sheets against permits issued by the State Controller (the Director of Industries and Commerce) till 15th February 1955 at prices not exceeding column III rates of the Price Circular. The sheets left over with the convener uncovered by the permits issued up to 15th February 1955 were allowed by the Controller to be sold to any person subject to the maximum prices mentioned above. The question whether the sheets should be sold after inviting tenders or individually to a number of persons is one for the convenor to decide and Government are not concerned."

* 1702 Q.—SRI A. RATNAM :—" Will the Hon. the Minister for Agriculture be pleased to state—

(a) the quantity of galvanised corrugated sheets allotted for the recent Congress session at Avadi;

(b) the rate charged for these sheets by the Government of India and other conditions imposed by them; and

(c) whether it was a condition that they should be handed over to the Madras State Government after the session was over?

THE HON. SRI M. BHAKTAVATSALAM :—" (a) 1,350 tons.

" (b) & (c) The rate charged was Rs. 665 per ton. The condition imposed was that the entire quantity should be returned to the Madras State authorities on the expiry of the session for distribution to normal consumers. But ultimately to obviate difficulties in looking after large stocks or in transporting them, the convenor of the Reception Committee of the Indian National Congress was registered by the Iron and Steel Controller, Calcutta, as a stock-holder at Avadi, within the meaning of the Iron and Steel (Control of Production and Distribution) Order, 1941, subject to the following conditions :—

(i) The convenor will hold in his stock 1,350 tons G.C. sheets released from the 60th session of the Indian National

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Congress held at Avadi in January 1955, for disposal against permits issued by the State Government of Madras at prices not exceeding Column III rates (Rs. 715) of the Price Circular issued by the Iron and Steel Controller under the aforesaid Order and current at the time of delivery.

(ii) The stocks that will be left over with him uncovered by permits on the 15th February 1955, may be sold to any person subject to the maximum prices indicated above.

(iii) His appointment as an *ad hoc* stock-holder will be terminated as soon as the disposal of the stocks referred to above is completed.''

Land census

* 1703 *Q.*—SRI S. DAIVASIGAMONEY (on behalf of Sri A. Ratnam): Will the Hon. the Minister for Revenue be pleased to state—

(*a*) whether any representations were made by the Tamil Nad Village Karnams' Association explaining the arduous work involved in collecting statistics of land-holdings, the inadequacy of time granted for the purpose, and the need to pay suitable allowance for the extra work;

(*b*) whether any extension of time has been granted for the completion of the work;

(*c*) what are the punishments prescribed for not completing the work in time?

THE HON. SRI M. A. MANICKAVELU :—'' (*a*) Yes, Sir.

'' (*b*) The Government originally granted one month's time for finishing the work at the village level but subsequently extended it to two months.

'' (*c*) No specific punishments have been prescribed by the Government.''

* 1704 *Q.*—SRI M. NARAYANA KURUP :—'' Will the Hon. the Minister for Revenue be pleased to state—

(*a*) whether the collection of land census statistics has been completed in any or all the districts of the State; and

(*b*) whether the information collected will be supplied to Members of the Assembly? ''

THE HON. SRI M. A. MANICKAVELU :—'' (*a*) The work has not yet been completed except in the Nilgiris district.

'' (*b*) The question of furnishing information to hon. Members will be considered after the census is completed.''

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SRI M. NARAYANA KURUP :—" Inasmuch as a study of such statistics will be very useful for considering agrarian reform, will the Government take an early decision and see that the information, as and when it is supplied to Government is also given to Members? "

THE HON. SRI M. A. MANICKAVELU :—" Yes, Sir. As I said already, it will be considered as soon as the census report is completed."

SRI V. R. KRISHNA AYYAR :—" Since the collection of these statistics is of vital importance to the introduction of agricultural reform, may I know whether the Government will give due publicity to this work in the villages, so that the villagers may also be consulted and their co-operation sought before these village officers make up their census figures? "

THE HON. SRI M. A. MANICKAVELU :—" Sir, that is why I said, ' let the census be completed and let us know what it is '. Then we will be able to say something." 9-30 a.m.

SRI V. R. KRISHNA AYYAR :—" Sir, the Hon. Minister has not answered my point. As the statistics are collected, will it not be better to give publicity then and there among the people whose co-operation is also sought so that there may not be any fictitious statistics? "

THE HON SRI M. A. MANICKAVELU :—" Even for the purpose suggested by the hon. Member I must have some information to give to the people. So, it all depends upon the figures and other information that we are able to collect. We must know what information we can make available to the people. That is why I said we may await the completion of the census."

SRI P. RANGASWAMI REDDIAR :—" May I know when this census is likely to be completed? Will it be completed before August? "

THE HON. SRI M. A. MANICKAVELU :—" Much earlier than August, Sir."

Neyveli Lignite Project

* 1705 *Q.*—SRI S. DAIVASIGAMONEY (on behalf of Sri A. Ratnam) : Will the Hon. the Minister for Agriculture be pleased to state whether the Government have any programme to start an industrial town at Neyveli?

THE HON. SRI M. BHAKTAVATSALAM :—" None at present, Sir. After an integrated scheme for the mining and utilization of lignite has been evolved on the basis of the results of the pilot project now in progress, the question of an industrial township will be pursued."

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* 1706 *Q.*—SRI N. K. PALANISAMY: Will the Hon. the Minister for Agriculture be pleased to state whether the Government have received any communication from the Centre with regard to the alternative schemes for the exploitation of lignite deposits at Neyveli recommended by Powell Duffryn Technical Services Company, Limited?

THE HON. SRI M. BHAKTAVATSALAM :—" No, Sir."

SRI S. DAIVASIGAMONEY :—" Sir, two days ago, some of the hon. Members of this House, probably along with the Hon. Minister, had an opportunity of visiting Neyveli and seeing the mines there. May I know what their impressions were? "

MR. SPEAKER :—" With regard to the impression of the hon. Members who can answer the question? "

[*Note.*—**An asterisk (*) at the commencement of a speech indicates revision by the Member.**]

II.—BUSINESS OF THE HOUSE.

(1) PRIVILEGE MOTION *re* ACTION OF MAGISTRATE IN POSTING SRI T. C. NARAYANAN NAMBIAR'S CASE DURING BUDGET SESSION.

MR. SPEAKER :—" I hope the House will remember that hon. Member Sri Kalyanasundaram gave notice of a privilege motion."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, I have gone through the proposed motion. I find that it relates to the proceedings in a Court of Law. The discussion of that matter here is likely to create further complications. May I therefore request the hon. Deputy Leader of the Opposition through you, Sir, not to press his motion. I also request the Press not to publish anything about this matter."

SRI M. KALYANASUNDARAM :—" Sir, what I need is only remedy and not publicity or embarrassment to Government. So, I do not press it."

III.—MOTION UNDER RULE 40 OF MADRAS ASSEMBLY RULES *RE* INADEQUATE WATER-SUPPLY IN THE TINDIVANAM MUNICIPAL AREA.

* SRI M. JAGANNATHAN :—" Mr. Speaker, I wish to call the attention of the Hon. Minister for Health to a matter of urgent public importance, viz.—

'the inadequate water-supply in the Tindivanam Municipal area, the relief measures to be taken in view of the coming summer and the necessity to help the municipality to take up water-supply and drainage schemes immediately.'

" Sir, the people of Tindivanam Municipality are drifting in spite of themselves towards a state of emergency so far as water-supply is concerned. It will not be an exaggeration if I say that a water famine has already started showing its ugly head at present in Tindivanam. The Tindivanam Municipality is depending upon a tank called Rajankulam for the supply of drinking water. But unfortunately, the water in that tank is not only

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insufficient for and incommensurate with the needs of the people, but is also muddy and filthy. So, it is very difficult for the people to have sufficient drinking water. If there is any place in South India where drinking water has been commercialised, it is Tindivanam. Cartloads of drinking water are taken in the streets of Tindivanam and sold for money. Out of dire necessity, even poor people have to pay money and get drinking water. This is really heart rending and must arrest the attention of the Government. I humbly request the Hon. Minister for Health to come forward and give topmost priority to the execution of the water-supply and drainage schemes of the Tindivanam Municipality."

* THE HON. SRI A. B. SHETTY :—" Mr. Speaker, I wish to briefly state the position in regard to water scarcity in the Tindivanam Municipal area and the measures that are being taken by the Government in the matter.

" Sir, in order to meet the drinking water scarcity in Tindivanam, proposals were considered in 1946 for a restricted local scheme of improvements to Rajankulam tank bed. Plans and estimates for this restricted Water-Supply Scheme were also drawn up. But eventually, because of the doubtful utility of these improvements, the investigation of a comprehensive Water-Supply Scheme for the Municipality was taken up under orders of Government.

" Based on the details of this investigation, plans and estimates were drawn up for the First Stage of the scheme for execution. The proposal is to sink an infiltration well in the Thondiyar river near Rettanai village, some eight miles from the town, and conduct full power tests thereon. The Municipality has recently been advised by the Sanitary Engineer to take immediate steps to acquire the lands required for the headworks. Tenders for the infiltration well work have been received and the execution will be taken on hand shortly.

" The first stage of the scheme will be got completed by this summer and simultaneously measures will be taken to proceed with the full scheme without loss of time.

" If, before the completion of the comprehensive Water-Supply Scheme for the town, there should be scarcity of drinking water within the Municipal area, the Municipality may come up with proposals to the Government for temporary local remedial measures to tide over the crisis for the consideration of the Government."

SRI M. KALYANASUNDARAM :—" Sir, as the programme stands at present, we will be having four more sittings of the House for this session. There are a number of notices under rule 40 calling attention of the Hon. Ministers concerned. Most of them are now pending. I request the Hon. Leader of the House, through

you, Sir, to arrange to have at least one such notice every day so that we may be able to dispose of at least four of them. Otherwise, if they are carried over, it will be of no use, Sir.''

IV—MOTION UNDER RULE 23 (1) OF THE MADRAS ASSEMBLY RULES *RE* CHANGE IN THE ORDER OF BUSINESS.

THE HON. SRI C. SUBRAMANIAM :—'' Mr. Speaker, I move—

' *That Rule* 23 (1) *of the Madras Assembly Rules be suspended and the House do resolve to transact Government business on Thursday, the* 31*st March* 1955 .' ''

MR. SPEAKER :—'' The question is—

' That Rule 23 (1) of the Madras Assembly Rules be suspended and the House do resolve to transact Government business on Thursday, the 31st March 1955.' ''

The motion was put and carried.

SRI M. KALYANASUNDARAM :—'' Sir, I want to make one more submission. Some one-hour debates are pending. I request that they may also be accommodated in one of the night sittings of the House.''

MR. SPEAKER :—'' All right. We can take them up during the night sittings.''

II.—BUSINESS OF THE HOUSE—*cont.*

(2) DISCUSSION *re* RECOMMENDATIONS MADE BY THE BUSINESS ADVISORY COMMITTEE.

THE HON. SRI C. SUBRAMANIAM :—'' Mr. Speaker, I beg to present the report of the Select Committee . . .''

* SRI M. NARAYANA KURUP :—'' Sir, the Business Advisory Committee has circulated a tentative time-table of the Bills. Before we take them up here, it is better a formal motion is moved here so that we can have it as the order of the House.''

MR. SPEAKER :—'' If the hon. Members want that it should be an order of the House, I have no objection. But, they must also remember that when once it is made an order of the House, there will be difficulty in changing it. An amendment has to be brought forward for changing it.''

* SRI M. NARAYANA KURUP :—'' Sir, the recommendations of the Business Advisory Committee are contemplated to be the order of the House. If there is to be any change, I think it can be changed and there will not be any difficulty.''

SRI M. KALYANASUNDARAM :—'' Sir, I am sorry I have to differ from the opinion expressed by my hon. Friend Sri Narayana Kurup. The proposal of the Business Advisory Committee

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may remain as it is so that we can make such adjustments as may become necessary from time to time. Otherwise, if we pass a resolution now and it is made an order of the House, then there will be difficulty later on when we want to change it. So, I submit that it can remain as it is.''

SRI M. NARAYANA KURUP :—'' Mr. Speaker, Sir, let me read the relevant rule, Rule 192. It reads : 9-40 a.m.

'As soon as may be after the report has been made to the House, a motion may be moved by a member of the Committee designated by the Speaker "that this House agrees with the allocation of time proposed by the Business Advisory Committee in regard to such and such Bill or Bills," and if such a motion is accepted by the House, it shall take effect as if it were an order of the House.'

'' Now, the matter has been reported to the House. Any amendment to be made should be made according to this rule, Sir.''

MR. SPEAKER :—'' I have no objection if the Hon. Leader of the House wants it to be an order of the House.''

* THE HON. SRI C. SUBRAMANIAM :—'' Sir, the wording used in the rule is : 'May be moved.' It is not compulsory that it should become an order of the House. Perhaps some adjustment of timings might become necessary. If it is made an order of the House, then amendments may have to be moved to that order later on. I do not think that it should be made an order of the House. That was the understanding we have arrived at and I think we are sticking to that even without making it an order of the House.''

V.—GOVERNMENT BILL.

THE MADRAS COURT-FEES AND SUITS VALUATION BILL, 1954.

* THE HON. SRI C. SUBRAMANIAM :—'' Mr. Speaker, Sir, I beg to present the report [a] of the Select Committee on the Madras Court-Fees and Suits Valuation Bill, 1954 (L.A. Bill No. 25 of 1954) and move—

'*That the Bill as amended by the Select Committee be taken into consideration.*'

'' Sir, hon. Members of this House are aware that a Select Committee was constituted by this House for the purpose of scrutinising the Bill relating to Court fees and valuation of suits. In addition to Members of this House who were elected to the Select Committee, certain hon. Members of the Legislative Council were also invited to participate in the deliberations of the Select Committee. Being very eminent lawyers, they made a very useful contribution to the work of the Committee in addition to the contributions made by hon. Members of this House. As a result of this,

[a] Printed as Appendix on pages 653–676 infra.

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the Bill has been improved upon very much and I am sure the Bill as amended by the Select Committee will be more acceptable to this House as also to the lawyer population in the State. The main change made by the Select Committee is with reference to the adoption of market value for purposes of payment of court fees and valuation of suits, in respect of land. In the existing law it is ten times the land revenue for purposes of valuation of suits and payment of court-fees. The proposal in the Bill as originally drafted was to adopt the market value in respect of lands also. After a good deal of consideration and discussion, the Select Committee came to the conclusion that the adoption of the market value might lead to difficulties. The valuation of the subject-matter of the suit itself might take time. In some cases parties might take this valuation question itself in appeal. All these will lead to protracted litigation and unnecessary inconvenience which may not be quite desirable. Therefore the Committee recommended that in respect of land, we might adopt 30 times the land revenue, as basis for valuing suits and for payment of court fees. In my view this is a reasonable compromise. I collected figures from various districts to ascertain the present market value of the land. Originally when ten times the land revenue was fixed for purposes of valuation of suits and payment of court fees, it approximately represented the market value of lands at that time, because the original land revenue itself was fixed on a half-net basis. Now land values have gone up considerably, even though the land revenue has not been increased to any appreciable extent. From the figures that were collected, we found that the lands now bore an increased value. The increase in value ranged from a minimum of 87 times the land revenue to a maximum of 396 times the land revenue, from district to district and from region to region. Considering this, 30 times the land revenue that has been adopted in the Bill as revised by the Select Committee is not a very high figure. My view is, it is a very reasonable figure. Even the Advocates' Association had agreed to the adoption of 50 times the land revenue. Because the Members of the Select Committee insisted that this should be lowered a little further, we agreed to 30 times the land revenue being adopted for valuation of suits and payment of court fees. Various other small matters were also considered by the Select Committee with reference to court fees payable in respect of certain suits and we have made certain changes and the most important change as I have already stated is in respect of adoption of 30 times the land revenue for purposes of payment of court-fees and valuation of suits. That itself made it necessary to make considerable changes in the Bill as originally drafted.

"I am therefore sure, Sir, that the Bill as it has emerged from the Select Committee would be quite acceptable to the House. I do not now propose to take much time of the House in explaining the various changes made in the different clauses of the Bill. The clauses can be discussed in detail when we take up the clause by clause consideration of the Bill. The only other point that I have to answer now is in respect of the criticism emanating from various

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sources, even including persons who have occupied high positions in the judiciary, namely, that the Government of Madras are trying to make a profit out of the administration of justice. That is an ill-informed criticism, to put it mildly. If only the figures are looked into, hon. Members would find that even if this legislation comes into force there will be a huge deficit with which we will be faced in the administration of justice. The figures for 1954–55 are : receipts Rs. 1,32,11,100, expenditure Rs. 1,89,78,534. There is therefore a deficit of Rs. 57 lakhs and odd. Probably there might have been some reduction in receipts on account of the Moratorium Act that we passed last year. Since we have lifted the Moratorium, there will be an increase in receipts by about Rs. 25 to 27 lakhs. Still we will be left with a deficit of about Rs. 40 lakhs in respect of administration of justice.''

SRI M. KALYANASUNDARAM :—'' In the figures furnished by the Hon. Minister, may I know whether he has taken into consideration the amounts realised under grants given under a separate head? ''

* THE HON. SRI C. SUBRAMANIAM :—'' I have taken into account every conceivable receipt and which can be allotted to the head, Administration of Justice. I will pass on the figures to him. He can scrutinize them.

'' Then, Sir, if we give effect to the provisions contained in this Bill we expect to get an additional income of Rs. 8 lakhs. We expect to get another Rs. 1,50,000 if the Presidency Small Cause Courts (Madras Amendment) Bill, 1954 is passed. On the whole we expect there will be a net deficit of about Rs. 48 lakhs and odd, even taking into account the various amendments that have now been proposed. Therefore to say that we are trying to make a profit out of the administration of justice is a wrong statement. There is no basis whatsoever for making that statement or for making that criticism.

'' Sir, I therefore, request the House to accept the Bill as amended by the Select Committee.''

MR. SPEAKER :—'' Motion moved—

' That the Madras Court Fees and Suits Valuation Bill, 1954 (L.A. Bill No. 25 of 1954), as amended by the Select Committee be taken into consideration.'

'' As was already said by the Hon. the Leader of the House one hour has been allotted for the general discussion of the Bill. The Hon. Minister will reply to the discussion at 10–30. Allowing 10 minutes for a Member I think, I can only allow four hon. Members to speak.''

* SRI V. R. KRISHNA AYYAR :—'' Mr. Speaker, Sir, the Hon. Minister for Finance has been rightly sensitive about the criticism that this is not so much a Court Fee Bill as a litigation 9-50 a.m.

taxation measure. It is a fundamental principle that justice must be made available to the people free of cost or at least cheaply but the figures mentioned by the Hon. Minister for Finance now in his speech show that there is a deficit in the administration of justice. Of course, it is a matter which requires closer scrutiny because I myself was under the impression while going through the budget figures concerning it, that there was no deficit. Anyway, I wish to remind the Hon. Minister for Finance about his Budget speech where he clubbed this Court Fee Bill with the new taxation proposals. That appears to be the keynote of the entire policy of the Government. There is an endeavour to see that more court fee is collected all through under the various heads. One thing that is running from end to end throughout this Bill is this. There is an over all increase in court fee for all kinds of categories of suits. Even the Hon. Minister for Finance was pleased to point out that it was increased to ten times, that is, it is doubled so far as the Madras State is concerned. Originally it was half of that. From five times it is being raised to ten times. From ten times it is being raised to thirty times in the case of agricultural lands. The Government justify it on the ground that the landed property has appreciated in considerable value. But the fact is that the reverse process is in full swing now. The landed property might have appreciated in value during the Second World War and shortly after it when there was the boom period. Now it is not the case and it has considerably gone down. But the court fee is being raised from ten times to thirty times the revenue assessed on the property. I do not know why it should be raised to such a proportion? I would, therefore, commend to this House to restore it at least to the original proportion rather than multiplication by three, as is now proposed in the Bill."

(The Deputy Speaker in the Chair.)

"What do we find in an injunction case? In the former days the court fee was assessed on the estimated value and a suit could be brought in for injunction. Particularly these are cases where the poor man is affected by the aggression of a wealthier person. The poor man rushes to the court and gets an order of injunction passed against the aggressor. In such cases the minimum court fee should be fixed and it should be five times and should not be increased to ten times. Now the minimum has been fixed at Rs. 400. On account of the limited time at my disposal I am not going into details. But I still find that a large class of suits now come under the minimum fixed at Rs. 400. That is certainly wrong. Many of those suits are filed by poor people in the court and if such a heavy minimum court-fee is levied, they will be prevented in seeking remedies in the court. Therefore, it should be computed on the amount at which the relief is sought and valued in the plaint.

"Similarly we find yet another,—I may be pardoned for using the expression—vicious feature in this Bill, that is, defendants have to pay court fees in a large class of suits. For instance in a

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suit for partition, in the former days, it was an unthought of thing to ask the defendant to pay court-fee. Now, he is being asked to pay it in a suit for partition. In view of this provision, a large number of junior members in a Malabar tarwad or for that matter any undivided Hindu family, would be prevented from filing partition suits on the ground that they have to pay court-fees also. The same thing applies to various other people. For instance, in suits where tenants and landlords are involved, the tenants will not be able to ventilate their grievances in the court. Even the Avadi ' touch ' is not there and in fact the process is in the reverse.

" Apart from these suits, there are also other elementary and fundamental remedies for which we seek the help of courts. I mean the Constitutional remedies. Now even the constitutional remedies are prevented and the suits arising out of them are taxed higher. Sir, constitutional remedies are really guarantees for aggrieved persons and now an obstacle is put in the exercise of such remedies. Therefore, my submission is that the general trend throughout this Court Fee Bill is on the increase of court-fee and thereby litigation is prevented in the sense that honest poor people are prevented from having their grievances redressed in the court.

" Then, there is the complicated procedure prescribed in fixing court fees. In a democratic set-up the law must be understandable, crisp, and assimilable. The procedure prescribed in the Bill for assessing the court-fee is highly complicated and it will take a lot of time in fixing it. Now various processes have to be gone into for fixing the court-fee. When a plaint is filed and a defendant comes into the picture, other defendants may also be impleaded and then the court-fee has to be revised according to this Bill. If it is to be revised again and again, the ordinary man who goes to the court will find it very difficult to continue the case till the end as his funds will be drained away in the meantime. If the court-fee is to be raised at every stage, the poor litigants will be ruined. It does not benefit anybody. Therefore, I request the Government to avoid all these highly complicated procedures for the fixation of court fees as only the poor people will be affected by it.

" Now I come to the *ad valorem* fee of 7½ per cent. In this connection, we must consider that a considerable change has been taking place in the country and we cannot adopt this rate of taxation. There must be some reduction as far as this rate is concerned. If the levy of court-fee is not to be a taxation measure and if courts must be resorted to by all people particularly by the poor people, then there must be substantial reduction in the rate. The 7½ per cent prescribed in the Central Act is being stuck up to in this Bill also. Sir, as suggested in the Dissenting Minutes, the rate of Rs. 7–8–0 has to be reduced to at least Rs. 6–4–0 that is one anna in the rupee. Even though it is not an adequate reduction, any way that is the minimum that everyone can accept. So, generally I feel that the rates of court-fee now fixed for various items are

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very high and the Court Fees and Suits Valuation Bill is a retrograde measure. It is unfortunate that a retrograde measure has been placed before this House at a time when we are making the administration more democratic . . ."

DEPUTY SPEAKER :—" The hon. Member's time is up."

* SRI V. R. KRISHNA AYYAR :—" I, therefore, submit that the House may give more thought to the points raised by me and the Government may also consider the revision of the provisions in this Bill so that they may be brought in line with the setting up of a Socialistic pattern of society which the Government have in view."

10 a.m. * SRI S. PANCHAKSHARAM :—" Mr. Deputy Speaker, Sir, at the outset, I have to stay that I am not in a position to understand the figures that have been furnished by the Hon. the Finance Minister. He said that he has made an extensive survey of the position in all the districts and has come to the conclusion that the value of the land has increased 87 times in some districts (minimum) and 300 times and more in some other districts (maximum). If that is so, I submit that the income also has correspondingly risen by 87 times. Now, let us take the case of a wet land which pays an annual rental of Rs. 10 per annum."

* THE HON. SRI C. SUBRAMANIAM :—" The hon. Member has completely misunderstood my statement. The value of the land now is estimated to be 87 times the land revenue (minimum) and 396 times the land revenue in certain other cases (maximum). It does not mean that there is an increase of 87 times or 396 times."

* SRI S. PANCHAKSHARAM :—" Understanding it properly, now let me give a concrete example. A land paying an annual rental value of Rs. 10 must be deemed to be worth Rs. 870 or Rs. 3,000 nowadays. I do not know what the pre-war rates were. If the pre-war rate was Rs. 870 or somewhere near that, I cannot understand there is any rise at all. In my own district, first class wet land paying an annual rental of Rs. 10 generally fetches a saleable value of Rs. 800 or Rs. 900. Even now it is just about that. I am talking of the year 1955 and I am not talking of the peak years 1947–48. To-day there are no purchasers for this rate and the value of the land has almost come to pre-war level. Even for that price level, we are not able to find the purchasers. I am not stressing very much on this aspect, but I woud like to submit that if, according to the Hon. the Finance Minister, the existing revenue from court-fees is not much and the administration of justice entails in a loss of nearly Rs. 57 lakhs and by placing the proposed Bill on the Statute Book we are going to cover a deficit of Rs. 9 or 10 lakhs out of this Rs. 57 lakhs, then all the trouble we are now taking over this measure is not worthwhile at all. The difference between

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Rs. 57 lakhs and Rs. 47 lakhs is not going to be much and still there is going to be a large deficit. In order to wipe out a small deficit of Rs. 10 lakhs, the entire phase of the old Act is sought to be changed. The entire structure is sought to be changed by the proposed Bill."

* THE HON. SRI C. SUBRAMANIAM :—" May I inform the hon. Member that deriving a little more income is not the object of the Government. The object is to remove the various anomalies which have been pointed out by the various courts. Incidentally, we get a little more revenue. That is all."

* SRI S. PANCHAKSHARAM :—" I do not want that the Hon. the Finance Minister should misunderstand me at all. I am here just to point out some of the difficulties experienced by the mofussil lawyers in the working of the Court Fees Act. My object is nothing else."

THE HON. SRI C. SUBRAMANIAM :—" Sir, I was not practissing in the High Court. I was practising only in the mofussil."

* SRI S. PANCHAKSHARAM :—" With due deference to the Minister, the Hon. the Finance Minister in his Budget speech on the 26th February 1954 at page 14 said : '*Revision of the Court Fees Act*: This is not exclusively a revenue measure. There are several anomalies in the existing Act and the revision has been under consideration for some time. The new Bill may give a slight increase from the yield from court-fees'. I agree with that proposition. Courts have very often expressed difficulties. They recognise the cardinal principle that Court Fees Act being an Act, it has to be interpreted in favour of the subject, but in spite of that they were confronted with a number of difficulties and had to decide against the subject and in doing so, they found several anomalies. I shall quote one or two instances. Suppose a man files a suit for possession of a whole estate or part of an estate, say exactly half or one-fourth. He was entitled to value it at ten times the annual revenue payable to Government and pay court-fees on it. Suppose out of a plot of 2 acres, a man wants to sue for 99 cents. Then he has to pay court-fee on the market value of the property. The difference in this case will work out to Rs. 100. In the former case, the man pays court-fees under section 7 (v) (*b*), viz., at ten times the annual revenue payable to Government. He could satisfy the provisions of the Court Fees Act by paying Rs. 10 or Rs. 15. But if he files a suit for 99 cents in a plot of 2 acres, he has to pay about Rs. 100 extra. This was one anomaly.

" There were other anomalies also. With reference inam lands, i.e., lands which are not paying annual revenue to Government, the litigant was asked to pay fifteen times the net profits arising from the land during the year next before the date of presenting the plaint. If in the previous year he got about 20 kalams

of paddy from one acre of land, he had to calculate the value of the 20 kalams of paddy and then multiply it by fifteen. So, if it is ryotwari land, it is enough if he pays a court-fee of Rs. 10. But if it is an inam land, he has to pay Rs. 110.

" Let us take another example. Suppose a usufructuary mortgagee files a suit."

DEPUTY SPEAKER :—" The hon. Member's time is up. He has got only one minute."

* SRI S. PANCHAKSHARAM :—" Sir, I require some two or three minutes."

DEPUTY SPEAKER :—" It is not possible to allow more time."

* SRI S. PANCHAKSHARAM :—" Then I will even now stop straightway."

DEPUTY SPEAKER :—" The hon. Member may continue his speech."

* SRI S. PANCHAKSHARAM :—" Suppose there is a usufructuary mortgage for Rs. 1,000. If the man has been put in possession of the properties, he can value the plaint under section 7 (v) (*b*), as though it is a title suit. If the man has not been put in possession of the properties, he has to value the plaint as one for specific performance of a contract and has to pay court-fees on Rs. 1,000, viz., Rs. 112–7–0. In the ordinary circumstances he will be liable to pay Rs. 10 but because he has not been put in possession of the properties, he has to pay Rs. 112–7–0. Such were the anomalies that were experienced and the Courts had difficulty in deciding in favour of the subject. They had to follow strictly the provisions of the Act.

" Another cardinal principal underlying the Law of Court-fees is that there should be no evasion of tax in cases like partition. If a man sues for partition and is in joint possession of the property, he has to pay a fixed court-fee of Rs. 15 in a Munsif's Court or Rs. 100 in a Sub-Court or District Court, whatever be the value of the property. A litigant values the plaint in whatever way is advantageous to him. Suppose if joint possession is advantageous to him, he says he is in joint possession. If he thinks that exclusion is advantageous to him, he says that he has been excluded from possession. There are so many methods by which payment of court-fee is evaded. The cardinal principle should be that there should be no evasion of payment of court-fees. The court-fee collected should enable the Government to carry on the administration of justice, without being a burden to the tax payer. If the

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Hon. the Finance Minister wanted to set right some of these anomalies, it was open to him to set right those anomalies. He need not have changed the entire structure of the Act.

" Sir, among many changes that have been effected in this Bill, the important change made is that the market value of land on which an assessment is payable to Government should be adopted at thirty times instead of ten times as has been fixed under the present Act. My submission in this connection is that this raising of the limit from ten times to thirty times would have been all right if this measure had been brought forward seven or eight years ago. Seven or eight years ago, when the Stamp Act was being amended, in respect of registration of partition documents, the value of the land was increased from five times the annual rental value to 25 times the annual rental value for purposes of fixing the stamp fees payable to the Government. But under the present Bill, it has been raised to 30 times which is very excessive. 10-10 a.m.

" I would like, in this connection, to refer to the views expressed by some eminent persons regarding increasing court-fees payable to Government. On 29th October 1954, Justice Shaw of Bombay High Court stated at the Lawyers' Conference as follows :—

'The sense of frustration and bitterness that over-power a litigant who reasonably believed that he has a true and just claim but was unable to obtain redress on account of the insuperable barrier of expenses beyond his means is a fruitful source of hostility towards the present order of things.'

" Again the former Justice of the Supreme Court, Sri Mahajan, on 3rd July 1954 at New Delhi pointed out that in some cases as much as one-third of the value of civil suits went into the State revenues and that such heavy duty on ' Justice ' was not wholly justified and that it was beyond the reach of common-man about whose welfare the State was so keen, to obtain justice in the Courts of the country and he could only get it by getting himself involved in debt and committing same crime. He also quoted the United States example where court-fees were merely nominal. Dr. K. N. Katju has also said that justice must be taken to the doorstep of the villager. In conclusion, I wish to state that drastic revision of the provisions of the present Act is not called for at the present time and that our Government should not go against established canons of jurisprudence."

Sri S. SWAYAMPRAKASAM :—" Sir, this measure is a very important one, from the point of view of the public as well as from the point of view of the Government. The Hon. the Leader of the House pointed out that this Bill had been brought forward by the Government with a view to remove certain anomalies in the present Act. He also admitted that they would be getting some enhanced revenue as a result of passing this Bill. This will create an impression in the minds of the people that this Bill is intended to be a taxation Bill by the Government. When the Government take into consideration the question of rectification of certain anomalies present in the present Act, they should also take into consideration whether the present time is propitious for bringing about changes in

the present Act. My submission is that the introduction of this Bill at the present time is very inopportune. The Hon. the Leader of the House also stated that it was not the intention of the Government to get additional revenue for the Government by introducing this measure. In that connection, he quoted figures to show that the Department of Administration of Justice was working at a loss during the years 1953–54, and 1954–55. But the Hon. Minister did not quote the figures for the period prior to 1953–54. Prior to 1953–54, the Government were not incurring any loss at all. I very well remember the conversation I had with the Hon. the Minister for Finance in his chamber. Mr. Viswanatham was also present then. When I stated in the course of our conversation that retrenchment could be effected by abolishing certain courts, the Hon. the Minister for Finance said, ' Why bother about it.' Prior to 1953 the Department of the Administration of Justice was not working at a loss at all. Even now if the Government would abolish certain courts which have no work at all—I know there are certain courts which do not have even half hour work a day—then the Department of the Administration of Justice would not work at a loss at all. The Hon. the Minister in charge of Finance said that the value of land was going up. It might be so two years back. But to-day the value of land is going rapidly down. Especially after the passing of the Moratorium Act, the Agriculturists' Indebtedness Relief Act and other Acts, the value of land has considerably fallen. There is no demand for land at all. To say that the value of land is going up and that therefore the court-fee payable to the Government can be enhanced is not justifiable. The Hon. the Minister for Finance stated that certain Bar Associations recommended that 50 times the annual rental value of land should be fixed as the market value of the land. I am unable to find out from the report of the Select Committee which Bar Association had stated so. (The Hon. the Minister for Finance : ' Provincial Bar Federation.') The general opinion is that land value is going down. Again, Sir, in a Welfare State, the Government should not aim at making profit in the matter of administration of justice. When the rights of private individuals are in dispute, it is the duty of the Government to settle the dispute and render justice. The Government should not put themselves in the position of a businessman. The economic condition of the people has not improved. The purchasing power of the people and their standard of life have not improved. Therefore, there is no justification for increasing the rate of court-fees payable to Government. Unless a person has got enough money, he cannot go to a Court of Law and establish his case. The Government have not made any attempts to improve the economic position or the standard of life of the people. But instead they have come to increase the court-fees. There is no justification at all for increasing the market value of the land from ten times the annual rental value to 30 times the annual rental value. Even for filing vakalats, the court-fee payable has been increased, in this Bill, by half a rupee. Even before presenting the petition, an ordinary man will have to pay half a rupee more for filing vakalats. Therefore, Sir, this Bill has been brought forward more with a view

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to get additional revenues from the Government. In my view the introduction of this Bill is very unfortunate and it is not going to give any relief to poor people at all.''

* **Sri R. KRISHNAN** :—'' മിസ്റ്റർ ഡെപ്യൂട്ടി സ്പീക്കർ, സർ, കോർട്ട്ഫീ ഫ്ലാററ്റേററ് 7½ ക. സ്വാഗതാർഹമാണെങ്കിലും ഭൂമിയുടെ വില കണക്കാക്കുമ്പോൾ നികുതിയുടെ 30 ഇരട്ടി എന്ന തോതു സ്വീകരിക്കുന്നതു് കക്ഷികളെ വളരെയധികം വിഷമിപ്പിക്കുമെന്നുള്ളതിന്നു് സംശയമില്ല. സെലക്ട് കമ്മിററി ശിപാർശി ചെയ്തിരിക്കുന്ന ഫീസ്സ്വർദ്ധന വളരെ ബുദ്ധിമുട്ടിന്നു കാരണമാകുമെന്നാണു് എൻെറ അഭിപ്രായം. ഇന്നുതന്നേയും കോടതിയിൽ പോകുന്നവരുടെ ഇടയിൽ ഒരു പഴമൊഴിയുണ്ടു്; 'ജയിച്ചാൽ തോററ ഫലം, തോററാൽ ചത്ത ഫലം' എന്നു. കോടതിയിൽ കയറിപ്പോയാൽ വ്യവഹാരം അവസാനിച്ചു തീർപ്പു കിട്ടുന്നതുവരെ കക്ഷികൾക്കു അത്യധികം വിഷമങ്ങൾ അനുഭവിക്കേണ്ടതായിട്ടുണ്ടു്. അങ്ങിനെയിരിക്കുമ്പോൾ കോർട്ട്ഫീസ്സു് ഇനിയും വർദ്ധിച്ചാലത്തെ കഥ പറയാനില്ലല്ലോ. നിയമപ്രകാരം കൊടുക്കേണ്ട ഫീസ്സുകൾ മാത്രമല്ല ഒരു കക്ഷിക്കു ചെലവു വരുന്നതു്. കോടതിയിൽ ചില പിടിച്ചുപറികൾ നടപ്പിലുണ്ടു്. കോടതിയിലെ പ്യൂൺ, പ്രോസസ്സ്സേർവർ, ക്ലാർക്ക് തുടങ്ങി എത്രയോ പേർക്കു കൈക്കൂലി കൊടുക്കേണ്ടിയിരിക്കുന്നു. നടപടി ക്രമത്തിലുള്ള ചില പ്രത്യേക സമ്പ്രദായങ്ങൾ കൊണ്ടു പലപ്പോഴും കക്ഷികൾക്കു ദോഷമുണ്ടാവുന്നു. എക്സ് പാർട്ടി വിധികളുണ്ടാകുന്നുണ്ടു്. കക്ഷിക്കു കേസിനെപ്പററി യാതൊരു വിവരവുമുണ്ടായിരിക്കയില്ല. സമൻസ് പതിച്ചു നടത്തുക എന്നൊരു സമ്പ്രദായമുണ്ടു്. കക്ഷി അറിയാതെ രഹസ്യമായി പതിച്ചുനടത്തി എക്സ് പാർട്ടി വിധിയുണ്ടായി കഴിഞ്ഞാൽ ജപ്തി ചെയ്യാൻ ആമ്യൻ വരുമ്പോഴായിരിക്കും കക്ഷി സംഗതി മനസ്സിലാക്കുന്നതു്. ഇതു് വലിയ അക്രമമാണു്. ഇതിൻെറ പരിഹാരമായി കുറെക്കൂടെ നല്ല ഒരു നടപടിക്രമം കണ്ടുപിടിക്കേണ്ടിയിരിക്കുന്നു 10-20 a.m.

'' ഇന്നു സല തിട്ടപ്പെടുത്തുന്നതിനുവേണ്ടി ഭൂമിയുടെ വില കണക്കാക്കുന്നതു് നികുതിയുടെ പത്തിരട്ടിയായിട്ടാണു്. അതു് ഈ ബില്ലു് അനുസരിച്ചു 30 ഇരട്ടിയാക്കിയിരിക്കയാണു്. മുപ്പതു ഇരട്ടി എന്നു പറയുന്നതു് വളരെ കൂടുതലാണു്. പതിനഞ്ചോ ഇരുപതോ ഇരട്ടിയിൽ കൂടാൻ പാടില്ലെന്നു അഭിപ്രായമാണു് എനിക്കുള്ളതു്.

'' ഡിക്ലറേഷൻ സൂട്ടുകൾക്കു കുറഞ്ഞതു് 400 ക. ക്കു് കോർട്ട് ഫീ വേണമെന്നു ശഠിക്കുന്നതു് പാവപ്പെട്ട കുടിയിരിപ്പുകാർക്കും ഉൾകുടികൾക്കും ചെറു കൃഷിക്കാർക്കും മററും വലിയ വിഷമമുണ്ടാകുന്നതാണു്. നാനൂറു് ഉറുപ്പിക എന്നുള്ളതു് 200 ക. ആയിട്ടെങ്കിലും കുറക്കണമെന്നാണു് എൻെറ അഭിപ്രായം.

'' പഞ്ചായത്തുകോർട്ടുകളും മൈനർ പഞ്ചായത്തു ബോർഡുകളും ഇന്നു് 50 ക. വരെയുള്ള സിവിൽ കേസ്സുകൾ വിചാരണ ചെയ്തു തീരുമാനിക്കുന്നുണ്ടു. ഈ തുക വർദ്ധിപ്പിച്ചാൽ പാവങ്ങൾക്കു് വലിയ ഉപകാരമായിരിക്കും. ഇരുനൂറുറുപ്പികവരെയുള്ള കേസ്സുകൾ എടുക്കുന്നതിന്നു പഞ്ചായത്തു കോർട്ടുകൾക്കും മൈനർ പഞ്ചായത്തു ബോർഡുകൾക്കും അധികാരം കൊടുക്കുന്നതു് നന്നായിരിക്കും. ഇന്നു് പഞ്ചായത്തു കോടതിയുടെ തീർപ്പിന്മേൽ അപ്പീൽ കൊടുക്കണമെങ്കിൽ ഹൈക്കോർട്ടിൽ പോകേണ്ടിയിരിക്കുന്നു. സാധുക്കളെ സംബന്ധിച്ചേടത്തോളം അതുകൊണ്ടു് വളരെ ബുദ്ധിമുട്ടുണ്ടു്. അപ്പീലധികാരം സെഷൻസ് കോടതികൾക്കു് നൽകുന്നതു് അഭിലഷണീയമായിരിക്കുമെന്നാണു് എനിക്കു തോന്നുന്നതു്. പഞ്ചായത്തു കോർട്ടുകളുടെ പ്രവർത്തനംതന്നെ ശരിയായി നടത്തുന്നതിന്നു വേണ്ട സൌകര്യങ്ങൾ കിട്ടാതെ അവർ വിഷമിക്കുന്നുണ്ടു്. ഒരു ഉദാഹരണമിതാ—പാലക്കാട്ടു് താലൂക്കിൽ കൊപ്പത്തു ഒരു പഞ്ചായത്തു കോടതിയുണ്ടു്. ഓണററി മജിസ്ട്രേട്ടാണു് അവിടെയുള്ളതു്. കോടതിക്കു് ആവശ്യമുള്ള ഫാറങ്ങൾക്കും പേപ്പേർസിന്നും വേണ്ടി കലക്ടർക്കു് എഴുതി അയച്ചിട്ടു് ഒന്നൊന്നര കൊല്ലമായെങ്കിലും കലക്ടരിൽനിന്നു് അതിന്നു ഒരു മറുപടിപോലും ഇതേവരെ കിട്ടിയിട്ടില്ലെന്നാണു് എൻെറ അറിവു്. ഈ നില തുടരുന്നതു് പഞ്ചായത്തുകോടതികളുടെ പ്രവർത്തനംതന്നെ സുഗമമായി നടക്കുന്നതിന്നുള്ള സാഹചര്യം ചുരുക്കലാണു്. മൂന്നു കൊല്ലം കഴിയുമ്പോൾ പഞ്ചായത്തു കോട

[Sri R. Krishnan] [29th March 1955

തികളിലേക്ക് എലക്ക്ഷൻ നടത്തണമെന്ന് ചട്ടമുണ്ടെങ്കിലും അത് മിക്കപ്പോഴും നടപ്പിൽ കാണുന്നില്ല, കാലാവധി കഴിഞ്ഞാലും പുതിയ തിരഞ്ഞെടുപ്പു നടത്താതിരിക്കുന്നതു് വളരെ തെററായ ഒരു സമ്പ്രദായമാണ്. മൂന്നു കൊല്ലം പൂർത്തിയായാലുടനെ തന്നെ പുതിയ തിരഞ്ഞെടുപ്പു നടത്താൻ പ്രത്യേകം ശ്രദ്ധിക്കേണ്ടതായുണ്ട്, എല്ലായിടത്തും ഒരുമിച്ചു തിരഞ്ഞെടുപ്പു നടത്തിയില്ലെങ്കിലും മൂന്നു കൊല്ലം തികഞ്ഞ ആളുകളുടെ സ്ഥാനങ്ങളിലേക്കെങ്കിലും പുതിയ തിരഞ്ഞെടുപ്പ് നടത്തിതന്നെ തീരണം.

"പഞ്ചായത്തു കോടതികളിലെ പ്രോസസ് ശിപായിമാരെപ്പററിയും ഈ സന്ദർഭത്തിൽ രണ്ടുവാക്ക് പറയണമെന്നുദ്ദേശിക്കുന്നു. എട്ട് ഉറുപ്പികയാണ് അവരുടെ ശമ്പളം. അതുകൊണ്ട് എങ്ങിനെ ജീവിക്കാനാണ്? ജീവിക്കാൻതക്ക നിലക്കെങ്കിലും അവരുടെ വരുമാനമുയർത്തണം. വക്കീൽ ഗുമസ്ഥന്മാരെപ്പററിയും ചിലതു പറയാതിരിക്കാൻ നിവൃത്തിയില്ല. അവക്ക് സ്ഥിരമായ ശമ്പളമില്ല. കക്ഷികളിൽനിന്നു കിട്ടുന്ന ഫീസ്സാണ് അവരുടെ വരുമാനം. അതുകൊണ്ട് കക്ഷികളിൽ ചിലർ ചില ഗുമസ്തന്മാരുടെ പലതരത്തിലുള്ള കൊള്ളക്കും പിടിച്ചുപറിക്കും വിധേയരാവുന്നു. കക്ഷികൾ കോർട്ടിൽ കെട്ടിവെക്കാൻ പണം കൊടുത്താൽ കോർട്ടിൽ കെട്ടിവെക്കാതെ വിഴുങ്ങിക്കളയുന്ന ഗുമസ്തന്മാരുണ്ട്. സ്റ്റാമ്പിന്റെ പേരിലും മററും പണം തട്ടിക്കുന്നതിൽ ചില ഗുമസ്തന്മാർ വിരുതന്മാരാണ്. അതുകൊണ്ടു വക്കീൽഗുമസ്ഥന്മാരെ സംബന്ധിച്ചു ഒരു നിയമമുണ്ടാക്കേണ്ടതു് അത്യാവശ്യമായ ഒരു കാര്യമാണ്. ഓരോ കാര്യത്തിന്നും ഇത്രയിത്ര ഫീസെന്ന് ഒരു ക്ലിപ്തം വെക്കണം. അല്ലെങ്കിൽ ഗുമസ്തന്മാർക്കു ക്ലിപ്തമായ മാസപ്പടി നിശ്ചയിക്കണം. കോടതികളിലെ പിടിച്ചുപറി ഭയന്നു, ന്യായമായ കാര്യങ്ങൾക്കുപോലും കോടതിയിൽ പോകാതെ കഴിക്കുന്ന ആളുകളുണ്ട്. ഇങ്ങനെ കോടതികളെ സംബന്ധിച്ചേടത്തോളം ഇന്നു നിലവിലുള്ള ബുദ്ധിമുട്ടുകളും ക്രമക്കേടുകളും എന്തെല്ലാമാണെന്ന് അന്വേഷിച്ചു അവയുടെ നിവാരണത്തിന്നായി ഒരു പുതിയ നിയമം തന്നെ സൃഷ്ടിക്കേണ്ടതു അത്യാവശ്യമാണ്.

"കോർട്ടുഫീസ്സിനെ ഒരു വരുമാനമാർഗ്ഗമായി ഗണിക്കാൻ പാടില്ല. എന്നുവെച്ചാൽ സ്റ്റേററിന്റെ ഒരു റവന്യൂ എന്ന നിലക്കു കോർട്ടുഫീസ്സിനെ കണക്കാക്കുന്നതു് തെററായിരിക്കും. കോടതികൾ നാട്ടുകാർക്കു ചെയ്യുന്ന സേവനത്തിന്നുള്ള പ്രതിഫലമെന്ന നിലക്കു ചെലവിന്റെ ഒരു ഭാഗം കക്ഷികളിൽനിന്നു ഈടാക്കിയെടുക്കുക എന്ന തത്വത്തോട് ഞാനും യോജിക്കുന്നു. പക്ഷെ കോർട്ടുഫീസ്സ് ഗവൺമെണ്ടിന്റെ ഒരു വരുമാനമാർഗ്ഗമായി കണക്കാക്കപ്പെടുകയാണെങ്കിൽ സാധുക്കൾക്കും സാധാരണ ജനങ്ങൾക്കും നീതി കിട്ടാൻ സാധിക്കാതെ വരും. സെലക്ട് കമ്മിററി റിപ്പോർട്ടനുസരിച്ചുള്ള നിരക്കുകൾ വളരെ കൂടുതലാണ്. അതിന്നു പല ഭേദഗതികളും ഇവിടെ വന്നിട്ടുണ്ട്. ആ ഭേദഗതികൾ വരുമ്പോൾ ഗവമ്മേണ്ട് സഹതാപപൂർവ്വമായ ഒരു നിലപാട് സ്വീകരിക്കണമെന്ന് അപേക്ഷിച്ചുകൊണ്ട് എന്റെ പ്രസംഗം അവസാനിപ്പിച്ചുകൊള്ളുന്നു."

10-20 a.m. * SRI M. NARAYANA KURUP :—" Mr. Deputy Speaker, Sir, our judiciary has been receiving a fair amount of praise and we are proud of it. Sir, the Hon. the Finance Minister pointed out that the department was working at a deficit. Assuming what he says is correct, the duty of the Government is to make justice accessible to the poor and at the cheapest rate and understandable procedure. But I dispute the statement that this department is working at a loss. (Interruption by the Hon. Finance Minister.) Before I proceed the Hon. Minister need not interrupt me. Sir, in this year's Budget there is a provision for judiciary of Rs. 94,48,300 and then under Administration of Justice and minor items, there is a provision of Rs. 44,00,300 which makes a total of Rs. 1,38,48,600 and the expenses to be debited to that is only Rs. 1·6 lakhs under stamps. The expenses shown under the head Administration of Justice is Rs. 127·69 lakhs; I would like to know what else the Hon. Finance Minister has included in that. Therefore, according to me there is a net gain of Rs. 10 lakhs under this head. Now I am making

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a further point. In 1954–55, the original estimate under stamp was Rs. 130 lakhs which was converted to 90 lakhs under the revised estimate and the reason given was the Moratorium Act. I agree. Now the Hon. Finance Minister himself admitted that there might be an increase. And according to my showing there is a net gain of Rs. 50 lakhs under this head and this is subject to correction. Therefore, this department is not at all working at a loss.

" As has been pointed out, even from the smallest item, namely, copy application which has been increased from annas 2 to annas 4 there is a general flat increase on all items of court-fees, the most important being, as has been mentioned, that the market value is to be calculated at 30 times instead of 10 times the assessment. Even if we calculate it at double the rate, the income will be much more. The Hon. Finance Minister has given the figure as Rs. 8 lakhs. It is very low and an under-estimate. If I remember right, the Hon. Minister himself, while introducing the Bill, suggested that it may be to the tune of about Rs. 25 lakhs. That is my recollection. So, it is not true to say that it is working at a loss. Even to-day, it is fetching revenue to the Government and when this Bill is enacted, the income will be much more. We agree that the Court Fees Act like any other law has to be simplified and rationalised. But, opportunity is now taken to enhance the court-fees, which naturally affects the litigants who are not able to get cheap and easy justice even now. Even in the matter of rationalisation, they adopt that rate which is suitable to them. One of our contentions is that the market value for assesed lands, say 10, 20 times or whatever it is, must be applicable to all sorts of suits. That is rationalisation. But, in this Bill, it is confined only to suits under certain sections. So, the point is very clear that the Government are aiming more at getting revenue than effecting rationalisation. Then, it has been said that the flat rate of Rs. 7–8–0 has been prescribed. Even according to the table given, we find that court-fee for a valuation of Rs. 50,000 which was Rs. 1,700 previously will now be more than Rs. 3,750. So, though there may be some disadvantage at one end, there is advantage at the other. In this respect also, the fixation of a flat rate of Rs. 7–8–0 will in no way entail any great loss to the Government.

" About finality and other matters, I will deal with them when we come to the clauses. According to my estimate of the working of this department, it is not at all workng at a loss. On the other hand, it is bringing revenue to the Government."

* THE HON. SRI C. SUBRAMANIAM :—" Mr. Speaker, the main points made are with reference to the adoption of the value of the land at 30 times the assessment on the land. The other point is that there has been a general increase in the court-fees payable by the litigants. With reference to the first point, I wish to point out that in the existing enactment the general rule is to adopt the market value. But with reference to land alone, we have said,

'thirty times the survey assessment on the land.' As far as the other categories are concerned, we have not made any change whatsoever. If the hon. Members should think that the adoption of market value will be more advantageous, even now I am prepared to adopt it. But, I may tell the hon. Members that 'thirty times' does not represent even half the market value. It is much less. It will be one-tenth of the market value in certain cases. When all other properties are made to pay court-fees on the market value, I do not know why we should adopt anything less than thirty times the assessment so far as lands are concerned. Unlike the income from other properties, the income from the lands do not come under the Income-tax Act. Those who get income from lands are not required to pay income-tax. Therefore, I cannot see how the lands are less valuable than other kinds of properties and why a different kind of evaluation should be made in the case of lands. Still, I could understand the plea that the agriculturists should not be put to great difficulties and that we should show some concession to them. We have already shown some concession to them. Instead of adopting the market value, we have said 'thirty times the survey assessment on the land.' In 1870 when land revenue was almost the same as it is now, they fixed it at five times. What was the value of land in 1870 and what is the value of the land now? It is 10 times, 15 times or 20 times more than the market value which prevailed in 1870. What we are now adopting is only six times more than what they adopted in 1870. Even with reference to the land, only certain categories of land come under this calculation, viz., the multiple of land revenue payable. We have got permanently-settled estates and non-permanently settled estates. Taking all factors into account, we have fixed this thirty times. Even now lands are enjoying an advantage over other kinds of properties. Hon. Members—especially the lawyer Members—may know that in respect of a portion of the estate or a portion of the land which has not got a separate patta, a person has to pay sometimes a greater amount than the one for the whole estate or whole land. This was an anomaly which has been pointed out by various High Courts and this anomaly has now been removed. This is the justification for our adopting thirty times the land assessment. As a matter of fact, we have shown a good deal of concession to the agriculturists and the agricultural lands. Therefore, still if it is argued that we are trying to increase the value of the land for purposes of court-fees beyond a justifiable limit, I am afraid it has no basis whatsoever and such criticism is not justified. That is my humble submission. We lawyers are clever in putting our own case and trying to ignore the other points involved and other points which are advantageous to the other side. Every hon. Member argued that court-fee has been increased. But, they have failed to take note of the fact that as a matter of fact there has been a decrease with reference to the rate of court-fee payable up to Rs. 1,000. Now, a litigant has to pay court-fees at the rate of Rs. 11–4–0 per Rs. 100, up to Rs. 1,000. This has now been reduced to Rs. 7–8–0 under this Bill. What is the consequence of this? The hon. Members will perhaps be interested to know how

many suits are affected by this Bill. There are 1,42,000 suits the value of which is below Rs. 5,000. The number of suits, the value of which is above Rs. 5,000 is 1,900. Thus, 1,900 suits will be affected by the inreased court-fee. On the other hand, hereafter people will have to pay a lesser court-fee in respect of about 1,40,000 suits. These people will get the advantage of the decreased court-fee. This being the case, it is not fair to argue that there has been a general increase in court-fee. While the poor litigants, whose number is about 1,40,000, get the advantage of the decreased court-fee according to this Bill and while only a few people, about 1,900 or so, are asked to pay a little more than what they are paying now, I do not know how hon. Members like Mr. Krishna Ayyar are justified in criticising the Government."

SRI M. KALYANASUNDARAM :—" I did not attack that aspect of the Government amendment. What I said was in respect of certain other aspects which ran counter to this policy." 10-40 a.m.

* SRI S. PANCHAKSHARAM :—" Sir, I should like to bring to the notice of the Government and the Hon. Finance Minister that no doubt the rates have been made uniform with reference to suits ranging from Rs. 500 to Rs. 1,000. We were collecting higher rates before. But as we go on for suits above Rs. 10,000 and above the rate is something else"

* THE HON. SRI C. SUBRAMANIAM :—" If the hon. Members had only listened to me they would have found that about 140,000 litigants would be getting the benefit of the reduction and only about 2,000 litigants will be asked to pay a little more. This is the important point that hon. Members should bear in mind. Even here we have been keeping in view the Socialistic pattern even though the hon. Member Sri Krishna Ayyar may not see anything in it. According to him all these things are merely propaganda. It is open to him to have his own point of view in all these matters. Only 2,000 people are asked to pay more while there has been a reduction allowed to about 140,000 people. That is the scheme which we have adopted. But still hon. Members go on criticising. (Interruption.) Of course he did not criticise but he did not give credit to us for that. This important factor should be taken into consideration in considering the measure as a whole. When we have given relief to such a large number of people and that too to a considerable extent, I submit it is not open to hon. Members to say that there has been a general increase. We have increased the rate only so far as the higher category is concerned. That is also what the hon. Member Sri Panchaksharam Chettiar wanted to point out. He was saying : ' Higher category people are paying less. They should be made to pay more '. Now that is the policy of the Government, that is, the lower income groups should pay less and the higher income group should pay more.

" Sir, with reference to the point made by the hon. Member Sri Narayana Kurup that from the figures made available under the head ' Administration of Justice ' it did not appear there was any

deficit at all, I may tell him there are various other heads under which expenditure incurred in connection with administration of justice, is debited. Take for instance, expenditure incurred for General Administration. If a calculation were to be made nearly 10 per cent of that expenditure ought to go under 'Administration of Justice'. Then the charges under 'Stationery', about Rs. 13 lakhs have to be debited to 'Administration of Justice'. Then again Rs. 10 lakhs charged to 'Printing' are not shown under 'Administration of Justice'. There are other heads of accounts such as 'Civil Works, Maintenance of buildings, etc.,' to which charges relating to 'Administration of Justice' are debited. Similarly about Rs. 22 lakhs being pensionary charges which ought to go under 'Administration of Justice' is charged under a different head. Therefore if a proper allocation were to be made, hon. Members will find there is really a deficit under the head 'Administration of Justice'. Therefore there is no use in arguing, taking only figures given under a particular head, that there is no deficit under 'Administration of Justice'.

"Finally, Sir, I may say that the justification for this Bill is that we are conferring a benefit on a large number of litigants, 140,000 of them and only about 2,000 will be affected by this Bill, as they will have to pay a little more than what they were paying before. In view of the Socialistic pattern of society we are aiming at, this itself is enough justification to get through this Bill."

MR. SPEAKER :—"The question is—

'That the Madras Court-Fees and Suits Valuation Bill, 1954 (L.A. Bill No. 25 of 1954), as amended by the Select Committee be taken into consideration.'"

The motion was put and carried.

MR. SPEAKER :—"Now let us take up clause by clause consideration of the Bill."

Clause 3 was put and carried.

Clause 4.

MR. SPEAKER :—"Motion moved—

'That clause 4 do stand part of the Bill.'"

SRI S. PANCHAKSHARAM :—"Mr. Speaker, Sir, I move the amendments standing in my name, namely—

'(1) *In the proviso, omit the word "whenever".*'

'(2) *In the proviso*, for "*exhibition in a Criminal Court or exhibition*", substitute "*if a document by an accused shall not be prohibited in a Criminal Court by reason of the fact that no proper fee has been paid thereon*'."

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The amendments were duly seconded.

SRI P. S. KRISHNASWAMY AYYANGAR :—" Mr. Speaker, Sir, I move the amendments standing in my name, namely—

'(1) *In the proviso*, for *the words* " *to prevent a failure of justice* ", substitute *the words* " *for the purpose of acting on such document and preventing a failure of justice* ".'

'(2) *Add at the end of the proviso the words* " *and acting upon such document* ".' "

SRI M. JAGANNATHAN :—" I second the amendments, Sir."

SRI M. NARAYANA KURUP :—" Mr. Speaker, Sir, I move the amendment standing in my name, namely—

'Add *the following further proviso* :—

'*Provided further that no finding or decision of any court or officer shall be deemed to be invalid merely on the ground that a document was filed, admitted, recorded or acted upon without payment of proper or sufficient fee chargeable under this Act.*' "

SRI S. S. KOLKEBAIL :—" I second the amendment, Sir."

MR. SPEAKER :—" Now the clause as well as the amendments are before the House for discussion."

* SRI M. NARAYANA KURUP :—" Mr. Speaker, Sir, my amendment is to add the following further proviso, namely—

'Provided further that no finding or decision of any Court or Officer shall be deemed to be invalid merely on the ground that a document was filed, admitted recorded or acted upon without payment of proper or sufficient fee chargeable under this Act.'

" Clause 4 lays down that no document shall be filed, exhibited or recorded in or be acted on or furnished by any public officer, unless in respect of such a document there be paid a fee of an amount not less than that indicated as chargeable under this Act. It may be that due to inadvertance on the part of the office, or the Judge or of the parties concerned, the document might be admitted without the proper stamp or insufficiently stamped. There is a provision in the Stamp Act to allow such documents to be filed. My submission is, supposing a document is admitted and acted upon and it goes in first appeal or second appeal. Then it is found out that it was not sufficiently stamped or the prescribed fee had not been paid, and the document is not admitted. My apprehension is on that ground that document should not be rejected, as that would result in revising the findings. Therefore when once the documents are admitted they should not be ignored in subsequent proceedings. The only remedy open is it may be impounded, and the amount short paid may be recovered from the party concerned. If the amendment suggested is not incorporated in the Act, it would mean that in further proceedings the whole document might be ignored by the concerned authorities and the whole proceedings of the lower

court or other courts will be vitiated. It is only as a guard against such a contingency that I have proposed this amendment, Sir. I submit there cannot be any possible objection to accept my amendment.''

* SRI S. PANCHAKSHARAM :—'' Mr. Speaker, Sir, my objection is simply this. In criminal cases, in most of them if not in all, the liberty of the subject is involved. If the main question of the liberty of the person or the guilt or innocence of a person is to be established depending on a scrap of paper, then why should that scrap of paper be liable to a stamp duty, penalty or any such thing at all. In most cases people may not know, even many magistrates may not know the Stamp Law or the Court Fees Law. If we are to leave the matter to the discretion of the Magistrates, I fear, the discretion may not be properly exercised, particularly when it involves the liberty of the subject, and the party has to face a criminal charge; my submission therefore is that the document should be received in evidence, taken into records and a decision arrived at, whether the document is sufficiently or insufficiently stamped.''

* SRI P. S. KRISHNASWAMY AYYANGAR :—'' Mr. Speaker, Sir, the proviso to this clause says that a criminal court may accept a particular document even though it has not been properly or sufficiently stamped. The object of the court in exhibiting such a document is to prevent failure of justice. By mere
10 50 a,m, exhibiting of the document failure of justice cannot be averted. The court should be enabled to act upon the document that has not been indicated in the proviso. Therefore, my amendment suggests not only the exhibiting of the document but also acting on that document. For the purpose of preventing failure of justice, the Court should have authority or power not only to exhibit it but also to act upon that document. If it has not got power to act upon it, then the document exhibited will merely lie in the records, as a fancy article, without any value at all. The criminal court may have to decide whether there has been a criminal intention or act and whether there has been a *bona fide* claim of civil right. For coming to a conclusion on these points, it will have to look into the document and act upon it. Merely looking into the document and taking no further step in the matter will not in any way prevent the failure of justice. If the object of the framers of the Act is that failure of justice should be prevented, then the courts should be given power to act upon that document also. That is the object of my amendment.''

* SRI K. PARTHASARATHY :—'' Sir, there is some controversy about the wording of the proviso. The proviso closely follows the provision made in section 33 of the Court Fees Act. The whole difficulty comes when we read that portion of clause 4 which says—

'No document which is chargeable with fee under this Act shall—

(i) be filed, exhibited or recorded in, or be acted on . . .'

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The phrase 'acted on' is newly introduced in this clause which is not found in sections 4 and 6 of the present Act. Section 6 says—

'. . . no document . . . shall be filed, exhibited or recorded in any Court of Justice, or shall be received or furnished by any public officer . . . '

So also in section 4 of the Act, the phrase 'acted on' is not there. Section 4 says—

'No document. . . . shall be filed, exhibited or recorded in, or shall be received or furnished by, any of the said High Courts . . . '

It appears that this phrase 'acted on' has been adopted from the Stamp Act. But anyhow since it does not convey any meaning other than for 'filed or exhibited' I think the words 'acted on' are not necessary. So I think the amendment of Sri Krishnaswamy Ayyangar is unnecessary."

Sri S. Ramalingam :—"Sir, the proviso says— 10-54 a.m.

'Provided that, wherever the filing or exhibition in a Criminal Court of a doccument in respect of which the proper fee has not been paid is in the opinion of the Court necessary to prevent a failure of justice.'

"இந்தப் ப்ரோவைஸோ பிரகாரம் கோர்ட்டார் ஒரு குறிப்பிட்ட தஸ்தாவேஜை அந்தக் கோர்ட்டில் தாக்கல் செய்யவில்லையானால் அதைத்தடுப்பதன்மூலம் நியாயத்திற்கு விரோதம் ஏற்படும் என்று கருதினால் அதற்கு ஸ்டாம்பு குறைவாக இருந்தாலும் அதை ஏற்றுக் கொள்ளலாம் என்றும் அது அனுமதிக்கப்படலாம் என்றும் சொல்லப்படுகிறது. சர்க்காருடைய கவனத்திற்கு ஒரு விஷயத்தைக் கொண்டு வர ஆசைப்படுகிறேன். ஒரு குறிப்பிட்ட தஸ்தாவேஜியை கோர்ட்டில் அனுமதிக்கப்பட்ட பிறகுதான் அது நீதிக்குத் தேவையானதா இல்லையா என்பதைத் தெரிந்து கொள்ள முடியும். முன்னதாகவே அதைப்பற்றி தெரிந்து கொள்வது என்பது சிரமமாக இருக்கும். முன்னதாகவே முடிவு செய்யமுடியாது. பனிரெண்டணா ஸ்டாம்பு ஒட்டிய பிறகு அதை கோர்ட்டில் அனுமதித்தால்தான் அது நீதிக்கு விரோதமாகிறது என்று கண்டுபிடிக்கமுடியும். அதை அனுமதிக்காவிட்டால் அதன் தன்மையை கண்டுபிடிக்க முடியாது. அதன் மேல் நியாயம் வழங்க முடியாது, நிதி வழங்குவதற்கு பங்கம் ஏற்படும் என்பதைச் சொல்லுகிறேன். கிரிமினல் கோர்ட்டுகளில் குற்றவாளிகளை கோர்ட்டில் நிறுத்தி வைக்கப்பட்டிருக்கும்போது ஒரு தஸ்தாவேஜியை கோர்ட்டில் சமர்பிக்க விரும்பலாம். அப்பொழுது கோர்ட்டுக்கு ஸ்டாம்பு இருக்கக் கூடாது என்று விதி விலக்கு அளித்து விட்டால் தொந்தரவு இருக்காது. அதைப்பற்றியும் யோசிக்க வேண்டும் என்று நான் கேட்டுக் கொள்ளுகிறேன்."

* The Hon. Sri C. Subramaniam :—"With regard to the points made by the hon. Member, Sri Krishnaswami Ayyangar, I want to make a general submission. I am intelligent enough to catch his point and he need not repeat it and try to din into my ears the same point again and again.

"As for his amendment subsisting the words 'for the purpose of acting on such document and preventing a failure of justice', once a document is exhibited, it becomes legal evidence which has got to be looked into, and therefore, there is no question of giving powers to the court to act upon it. Once it is accepted as a legal evidence, then that evidence will have to be considered and it is going too far to say that the court will not act upon it and will merely exhibit it. Therefore, his amendment is quite unnecessary. Sir,

in certain cases the content of the document as such may not be admissible but the fact of that document being in existence may be relevant. So, it is quite unnecessary.

"Now I come to the point raised by the hon. Member, Sri Narayana Kurup. Here what we are concerned is the fee payable on a certain document. What is the legal consequence of not paying it, is, I think, found in the Stamp Act. Suppose a document is admitted by mistake but later on it has been found in the Appellate Court that it has not been properly stamped. The man who filed it will be called upon to pay more and it would not be straightaway rejected. It is unnecessary, as we are concerned with the fee payable for the filing of a document. As I said, if it is found later on that the proper stamp is not affixed, there are other procedures in the Act to recover it. Therefore, his amendment is also unnecessary.

"Then I come to the point raised by the hon. Member, Sri Panchaksharam, in his amendment. His amendment is also quite unnecessary. We have made provision in the proviso that when a court comes to the conclusion that a certain document is necessary in the interests of justice, then it will be admitted whether it is stamped or not. The hon. Member knows that now only lawyers are being appointed as magistrates and they are learned persons and I do not think that they will commit mistakes. Sometimes even High Court Judges or Supreme Court Judges commit mistakes and we need not provide for mistakes by officers in this proviso. If a particular document is necessary for the administration of justice, it will be admitted by the criminal courts. Therefore, I do not think that this amendment is also necessary. Under these circumstances, I am unable to accept the amendments and I oppose them."

SRI M. NARAYANA KURUP :—"Of course, if it is found afterwards that the proper fee has not been paid by a person, he can pay it afterwards. Such a provision should be included in the Bill itself. I visualize a case where a fee is not paid. What is to become of the document? It is to avoid that difficulty I have moved my amendment."

* THE HON. SRI C. SUBRAMANIAM :—"Simply because a mistake has been committed by one court, that does not mean that when it is brought to the notice of the appellate or revisionary court, they will not rectify it by directing the person concerned to pay the prescribed fee. So, I do not think that it is necessary to include such a provision in this clause."

11 a.m. SRI S. PANCHAKSHARAM :—"Sir, I have not much to say by way of reply."

* SRI P. S. KRISHNASWAMY AYYANGAR :—"Sir, in sub-clause (ii), the expression used is 'be filed, exhibited or recorded in any public office or be acted on'. Therefore, exhibiting does not necesarily lead to acting on it. These are two quite different things. Taking action on it does not necessarily flow from it. What is

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stated as not having been prevented is exhibiting or filing and not specifically acting upon it. For the sake of clearness, I have given notice of the amendments."

THE HON. SRI C. SUBRAMANIAM :—" Sir, once a document is exhibited, it will have to be acted upon. Once it is legal evidence, it will have to be acted upon."

MR. SPEAKER :—" Is the hon. Member Sri Panchaksharam pressing his amendments? "

SRI S. PANCHAKSHARAM :—" Sir, I am withdrawing my amendments."

The amendments were by leave of the House, withdrawn.

SRI P. S. KRISHNASWAMY AYYANGAR :—" Sir, I am withdrawing both of my amendments."

The amendments were, by leave of the House, withdrawn.

SRI M. NARAYANA KURUP :—" Sir, I am also withdrawing my amendment."

The amendment was, by leave of the House, withdrawn.

MR. SPEAKER :—" The question is—

' That clause 4 do stand part of the Bill.' "

The motion was carried.

Clause 5.

MR. SPEAKER :—" The motion is—

' That clause 5 do stand part of the Bill.' "

SRI S. PANCHAKSHARAM :—" Sir, I move the amendment standing in my name, viz—

> '*In line* 7, after " *as may be fixed* ", insert " *or extended* ".' "

The amendment was duly seconded.

MR. SPEAKER :—" Amendment moved—

' In line 7, *after* " as may be fixed ", *insert* " or extended.' "

* SRI S. PANCHAKSHARAM :—" As it is, Sir, the Court may, in its discretion allow a person by whom such fees are payable to pay the fees or part thereof, as the case may be, within such time as may be fixed. I want that the time so fixed should be extended, because once the time is fixed and if it is made a conditional order, it may work a great hardship. Therefore, discretion must be given to the court to extend the time."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, as it is, there will be no difficulty. The court can always extend the time. Then we should insert the words ' or extended or further extended '. It is open to the court to extend the time and there will be no difficulty. I do not think the amendment is necessary."

The amendment of the hon. Member Sri S. Panchaksharam was by leave withdrawn.

MR. SPEAKER :—" The question is—

' That clause 5 do stand part of the Bill.' "

The motion was carried.

Clause 6.

MR. SPEAKER :—" The motion is—

' That clause 6 do stand part of the Bill.' "

SRI S. PANCHAKSHARAM :—" Sir, I move the amendment (No. 200) standing in my name—

' *In line* 1, for " *Multifarious suits* ", substitute " *Suits for multifarious reliefs* ".' "

The amendment was duly seconded.

SRI P. S. KRISHNASWAMY AYYANGAR :—" Sir, I move my amendment (No. 3)—

' For *the existing sub-clause* (2), substitute *the following* :—

" (2) *Where reliefs—whether single or in groups—based on the same cause of action are sought in the alternative in any suit,*

(i) *if the fees respectively chargeable on the several alternative reliefs are equal, the plaint shall be chargeable with one such fee alone; and*

(ii) *if such fees are unequal, the plaint shall be chargeable with that fee alone which is either the highest or one of the highest of such fees.*" ' "

SRI M. JAGANNATHAN :—" Sir, I second the above amendment."

SRI P. K. GOPALAKRISHNAN :—" Sir, I move the amendments standing in my name (Nos. 107 to 109)—

' *In sub-clause* (2), for *the words* " *with the highest . . . on the reliefs* ", substitute *the words* " *with fee on the one relief that is highest in value among alternative reliefs* ".

' *In sub-clause* (3), *line* 3, omit *the words* " *either alternatively or* ".

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' For *the existing proviso*, substitute *the following* :—

" *Provided that where reliefs are sought alternatively, the plaint shall be chargeable only with the highest of the fees chargeable on them.*" ' "

Sri S. RAMALINGAM :—" Sir, I second all the amendments."

Mr. SPEAKER :—" Both the clause and the amendments are now before the House for discussion."

Sri P. K. GOPALAKRISHNAN :—" Sir, my amendment to sub-clause (2) is only intended to make the position more clear. It is stated in the clause that the plaint shall be chargeable with the highest of the fees leviable on the reliefs. It is not very clear. My amendment reads : ' The plaint shall be chargeable with fee on the one relief that is highest in value among alternative reliefs '. I think this will make the position more clear.

" My next amendment to sub-clause (3) is more important. When alternative reliefs are sought, there is no necessity for charging the plaint with the aggregate amount of the fees. When alternative reliefs are sought, the Government may charge court-fees only on the highest of the reliefs and not on the aggregate amount of the reliefs. The one argument that Government may raise will be that when a suit embraces two or more distinct and different causes of action, then the plaint shall be chargeable with the aggregate amount of the fees. Even then the plaintiff is seeking only an alternative relief and he is not seeking cumulative reliefs. In such cases, it is only proper and reasonable that the court-fees should be charged only on the highest of the reliefs sought. I hope the Government will accept my amendments."

* Sri S. PANCHAKSHARAM :—" Sir, my amendment is a simple one. I just want to change the title of the clause from ' Multifarious suits ' into ' Suits for multifarious reliefs '. Multifariousness is a rule of procedure under which a party files a suit containing two flaws, namely misjoinder of parties and misjoinder of causes of action. What the Court Fees Act contemplates is that on the same cause of action the party is entitled to multiple reliefs, that is to more than one relief. If he is entitled to ask for more than one relief, he can do so and ask for more than one relief on the same cause of action. Therefore, I think that the wording may be altered."

* Sri P. S. KRISHNASWAMY AYYANGAR :—" Sir, my amendments relate to sub-clause (2). The wording of that sub-clause is defective in more than one respect. It runs thus : ' Where more reliefs than one based on the same cause of action are sought in the alternative in any suit, the plaint shall be chargeable with the highest of the fees leviable on the reliefs '. When alternative reliefs are sought, there should necessarily be more than one relief. Therefore, it is meaningless to say ' where more reliefs than one based on the

same cause of action are sought in the alternative.' It is enough to state 'when reliefs are sought in the alternative'. When there are alternative reliefs, there should necessarily be more than one relief. Lawyers would not accept the wording 'where more reliefs than one are sought in the alternative'. Again, in the latter portion of the sub-clause, it is stated 'the plaint shall be chargeable with the highest of the fees leviable on the reliefs'. Highest of the fees' may give room to the interpretation that the aggregate of the fees leviable on all the alternative reliefs should be charged. To make the position clear, I have given notice of my amendments. Alternative reliefs may contain more than one relief. I have stated that if the fees respectively chargeable on the several alternative reliefs are equal, the plaint shall be chargeable with one such fee alone. If the alternative reliefs are of the same value, then the court-fee chargeable should be on one of those reliefs alone. Suppose the value of all the alternative reliefs are not equal some of them alone being equal. Then the plaint shall be chargeable with that fee alone which is either the highest or one of the highest of such fees. Suppose there are four alternative reliefs. Suppose three of them are of the same value and the fourth is of a lower value. In such cases, one of the highest fees alone will have to be paid in respect of all the causes of action. If such fees are unequal, then the plaint should be charged with the highest fee alone. So, to make the position clear, I have suggested these amendments and I hope the Government will see their way to accept them."

11-10 a.m. * THE HON. SRI C. SUBRAMANIAM :—" Sir, as regards the amendment given notice of by hon. Member Sri S. Panchaksharam substituting for the heading 'Multifarious suits' the title 'Suits for multifarious reliefs', I do not think that the change is necessary. Here 'Multifarious suits' mean 'suits for various reliefs' and not merely for one relief. The words used in the Civil Procedure Code need not be brought in here because they are used in a technical sense there. The heading given under the present Act is the same as the one proposed in the Bill.

" With reference to amendments given notice of by hon. Member Sri P. S. Krishnaswami Ayyangar, I am afraid, they are quite unnecessary. The existing provisions in clause 6 themselves carry the meaning which he wants to bring out by means of his amendments. There may be one relief or group of reliefs alternatively prayed for and that is why this clause has been guardedly drafted. After all, what has been provided for here? When alternative reliefs have been prayed for, it is not our intention to levy fees for each of the reliefs prayed for and our intention is that the plaint shall be chargeable only with the highest of the fees chargeable on them. This provision has been copied from the Central Provinces Act and I am sure the Courts will not find any difficulty in interpreting this provision.

" As regards the amendment moved by hon. Member Sri P. K. Gopalakrishnan, the language of the clause as it is is very

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clear and the amendment suggested by the Member does not imprpove the language of the clause at all. Only one relief is charged for and there is absolutely no need to change the language.''

The amendment moved by hon. Member Sri S. Panchaksharam (No. 200) was by leave of the House withdrawn.

The amendment moved by hon. Member Sri P. S. Krishnaswami Ayyangar (No. 3) was by leave of the House withdrawn.

MR. SPEAKER :—'' May I know whether hon. Member Sri P. K. Gopalakrishnan is withdrawing his amendments (Nos. 107, 108 and 109)? ''

SRI P. K. GOPALAKRISHNAN :—'' I am withdrawing amendment No. 107 only.''

The amendment (No. 107) moved by hon. Member Sri P. K. Gopalakrishnan was by leave of the House withdrawn.

MR. SPEAKER :—'' The question is—

' In sub-clause (3), line 3, *omit* the words '' either alternatively or '' '.''

The amendment was put and lost.

MR. SPEAKER :—'' The question is—

' *For* the existing proviso, *substitute* the following :—

'' Provided that where reliefs are sought alternatively, the plaint shall be chargeable only with the highest of the fees chargeable on them ''. ' ''

The amendment was put and lost.

MR. SPEAKER :—'' The question is—

' That clause 6 do stand part of the Bill '.''

The motion was put and carried.

Clause 7.

MR. SPEAKER :—'' The motion is—

' That clause 6 do stand part of the Bill.' ''

SRI M. NARAYANA KURUP :—'' Sir, I move the following amendments :—

'*In sub-clause* (2), for *the words* '' *The market value . . . shall be deemed to be . . .*'', substitute *the words* '' *Unless it is otherwise provided, the market value of land in suits falling under this Act shall be deemed to be* '' . . .

'*In sub-clause* (2), *item* (*a*), for *the word* '' *thirty* '', substitute *the word* '' *twenty* ''. ' ''

SRI S. S. KOLKEBAIL :—" I second the amendments."

SRI P. K. GOPALAKRISHNAN :—" Sir, I move the following amendments :—

'For *the words* " *thirty times* ", *wherever it occurs*, substitute *the words* " *ten times* ".

'*In sub-clause* (2), *line* 2, after *the figures* " 38 ", insert *the figures and letters* " 42 (*d*), 42 (*e*) ".

'*In sub-clause* (2), *item* (*g*), for *the words* " *its market value* ", substitute *the words* " *five times its annual rental value* ". ' "

SRI S. RAMALINGAM :—" Sir, I second the amendments."

SRI M. KALYANASUNDARAM :—" In the light of the amendment moved by hon. Member Sri M. Narayana Kurup, I am not moving amendment No. 250. However, I am moving the following amendment :—

Add *the following as new sub-clause* (*h*) :—

" (*h*) *Where the land is a building situated in a panchayat or municipal area ten times the panchayat or municipal assessment as the case may be.*" ' "

SRI S. RAMALINGAM :—" I second the amendment."

SRI S. PANCHAKSHARAM :—" I move the following amendment :—

'*In sub-clause* (2) (*g*), " after " *house-site* " insert " *or vacant site* ".' "

The amendment was seconded.

SRI P. S. KRISHNASWAMY AYYANGAR :—" Sir, I am moving the following amendment :—

'*In sub-clause* (2), *item* (*g*) after *the words* " *not falling within the foregoing description* ", insert *the words* " *including buildings* " .' "

The amendment was seconded.

SRI S. PANCHAKSHARAM :—" I move the following amendment :—

'For " *thirty* ", substitute " *fifteen* " *wherever it occurs in this clause*.' "

The amendment was duly seconded.

SRI Y. MANJAYA SHETTY :—" Sir, I move the following amendment :—

'*In sub-clause* (2), *item* (*g*), for *the words* " *its market value* ", substitute *the words* " *thirty times the survey assessment on the land and the market value of the building thereon* ". ' "

The amendment was duly seconded.

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SRI S. RAMALINGAM :—" Sir, I move the following amendment :—

' *After the existing sub-clause* (2), *insert the following new sub-clause* :—

" (3) *The market value of the house shall be deemed to be ten times of the municipal or panchayat board tax as the case may be.* " ' "

SRI M. KALYANASUNDARAM :—" I second the amendment, Sir."

MR. SPEAKER :—" Both the amendments and the clause are now before the House for discussion. Hon. Member Sri M. Narayana Kurup will now speak."

* SRI M. NARAYANA KURUP :—" Sir, this is one of the important if not the most important clause in this Bill and this is the most controversial clause. I shall explain the purpose of the two amendments I have moved. My first amendment seeks to make the market value whatever it be—15 or 20 or 30 times—applicable to all classes of suits. It has been pointed out that the purpose of the present Bill is to rationalize the system of levying court-fees and to simplify the procedure. For certain types of suits a notional value has been put upon assessed lands and there is no reason why the same principle should not be extended to other types of suits also, such as those covered by clauses 41, 42, etc. The provisions of this clause (7) do not apply to suits referred to in other clauses. My first amendment seeks to remedy this defect.

" My second amendment seeks to reduce the 30 times the assessment to 20 times the assessment. The Hon. Minister was saying that if lands falling under other categories are to be valued at the market value and not on the notional value, why it should not be so for assessed lands also. I would counter his arguments by saying that if only this one item of land is to be valued on notional basis it may not be of much difference if a slight increase or decrease is made because in respect of other lands it is on the basis of market value.

" If we do not adopt the notional value, it will entail in unnecessary and prolonged litigation even at the initial stage of assessing the value of land. A Commission will have to be appointed in every case and the Judge will have to decide on their report. Again, the matter may go on appeal, and the whole matter will again be reopened. It is very easy for parties except in cases of valuation of buildings to come to an understanding or to an undisputed value with reference to waste lands or other unnecessary lands. Therefore, by reason of that, in respect of other lands the notional value is not accepted is no argument in respect of this because this is the most important item as I said. Sir, when once it is accepted, it is logic and it is rational to extend it to all types of suits.

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Of course, as has been pointed out, there were discussions and suggestions even at the Select Committee stage about this clause. Many Members wanted that the market value should be fixed at 15 times the assessment on the land, and the Hon. Minister wanted it at 50 times. Ultimately it was fixed at 30 times. Now, it will
11-20 a.m. be admitted that the offer given by the Hon. Finance Minister relates to a period when prices of commodities were very high; but, now the tendency is just the reverse. It has been pointed by more than one hon. Member that we are gradually drifting and the price level is coming almost the pre-war level. Therefore, when we consider how much the notional value must be, we must take into consideration the falling prices; also, as has been pointed, because of the expected agrarian reforms and so many other things, the value of land is on the decline. Since my amendment seeks to put the rate at 20 times instead of the original 10 times, it doubles the existing rate. I submit that this is a very fair proposal and I hope the Government will find their way to accept this and make consequential amendments in respect of subsequent clauses where 30 times is mentioned."

* SRI P. RANGASWAMY REDDIAR :—" Mr. Speaker, Sir, once the Hon. the Finance Minister gave an assurance on behalf of the Government to the members of the Select Committee that it was not the intention of the Government to get any profit out of litigations; this morning also he made a similar assurance during the general discussion. I wish to draw the attention of the Hon. Finance Minister to these and also to the remark reported to have been made by the Central Home Ministry in its report that ' it is not fair that a suitor in civil courts should be made to pay large court-fees for the benefit of the Exchequer and that the State should, so to say, not live upon the quarrels of the people . . ."

THE HON. SRI C. SUBRAMANIAM :—" Should we subsidise quarrels of the people? "

* SRI P. RANGASWAMY REDDIAR :—" Certainly now, Sir. The Hon. Finance Minister and I do not go to the hospitals, to the jails or to the police stations; still we are asked to pay taxes for the maintenance of these institutions. Therefore, it may not be proper to say that those who resort to courts of law only should be made to pay heavily for the maintenance of these institutions. Now under the existing Court Fees Act, for the recovery of possession of on immovable property for which a kist of Rs. 10 is paid, ten times the kist would be Rs. 100 and the court-fee payable now is Rs. 11-4-0. According to the proposed Bill, for the recovery of possession of the same property, the value would be Rs. 300 and the court-fee to be paid would be Rs. 22-8-0 that is double the amount which is now payable. Though the Hon. the Finance Minister would not fail repeatedly to point out that there is a reduction of court-fee from Rs. 11–4–0 to Rs. 7–8–0, the illustration I gave just now would show how in the shape of reduction it is really enhancement by hundred per cent.

" This is an important clause and this is similar to the existing section 7 of the present Court Fees Act. Some hon. Members suggested 20 times and some others 30 times and still some wanted only 10 times that is to say, to retain the present state of affairs. This morning the Hon. Finance Minister made a remark that lawyers, both here and elsewhere would be pleased by the amendments made by the Select Committee, as if the lawyers would have to pay court-fees; they are not affected either by the reduced or enhanced court-fees. In many cases court-fee is paid in the first instance by the plaintiffs and subsequently the defendants have to pay ultimately. Therefore, the burden of court-fees is on the litigants and not upon the lawyers. I do not see how lawyers would be affected either by the enhancement or reduction. (The Hon. Finance Minister : ' Don't you see? ') The wearer alone knows where the shoe pinches. There is initial difficulty for the litigants to pay and that is a little bit true."

SRI A. RAMASAMY TEVAR :—" Sir, may I know whether the hon. Member just now speaking is speaking on his behalf or on behalf of the lawyers? "

MR. SPEAKER :—" I cannot understand why he should not speak."

* SRI P. RANGASWAMY REDDIAR :—" I speak not only on behalf of myself and on behalf of the lawyer members, but also on behalf of litigants including Mr. Ramaswami Thevar. (Laughter.)

" Sir, it is now ten months ever since the Bill went before the Select Committee. Since then, the prices have gone down. I do not think it necessary to dwell very much upon the half-net theory and the half-net principle in fixing court-fees. When the Court Fees Act was drafted, are we to understand that a land paying a kist of Rs. 1-2-0 was really getting an annual income of Rs. 2-4-0 only? Nobody would accept that that the kist or the revenue was fixed upon the half-net principle, that is taking into account only the net income and 50 per cent of the income was sought to be fixed for the revenue. I do not think it is correct to say so and I need not dwell very much upon that point. I would think rather liberal exceptions might have been granted in assessing the revenue and also there was no court-fees in those days. We should bear in mind that after all if justice is not done freely to the people, at least it should be done on moderate basis. I think there was a good deal of bargaining at the Select Committee stage and the Hon. Finance Minister came down from market value, ultimately to 30 times. Not only members on this side, sitting in the Opposition, but members behind the Treasury Benches are also pleading for moderate fees and if any enhancement is necessary, Government should not view this as though they have invested any capital and therefore there should be a return. My definite view

is that there would not be any loss and therefore 10 times or 15 times may be accepted, for that will be benefiting the general litigant public alone."

* SRI V. R. NAGARAJAN :—" Mr. Speaker, Sir, as this is an important clause in the Court Fees Act, I wish to say a few words, though it may be only in conformity with the views expressed by many hon. Members who have spoken already. I was also a Member of the Select Committee and I had also an opportunity to say my bit on the number of times of the annual assessment by which a litigant will have to pay court-fee. The limit I had pleaded for in the Select Committee was only 20 times. Now there are amendments for 15 and 20 times. The Hon. Finance Minister said during the first reading of the Bill that there was an association of lawyers which also recommended 50 times the annual assessment, though it was not possible to know which that association was—it should be an abnormal association functioning in the State. I submit there is no relevant case made out for fixing the assessment at more than 20 times. In view of the land values fast falling down, in view of the present trend in the market, in view of the scarcity for money and non-flow of capital, in view of the expectation of the people for land reforms, I submit that 20 times would be the best principle and I hope the Hon. Finance Minister would agree to this suggestion."

11-30 a.m. * SRI S. PANCHAKSHARAM :—" Sir, the Hon. the Minister for Finance in the initial stages of the discussion said that people filing suits for amounts ranging between Rs. 500 and Rs. 1,000 have to be shown some concession, as the number of such people, who are poor, is really large. He also stated that people who filed suits for more than Rs. 10,000 have been called upon to pay more, i.e., it is only the rich people who are asked to pay enhanced court-fee and that it was in accordance with the idea of socialistic pattern of society that we have set before ourselves. I entirely agree with him. Therefore, I do not want to talk much on that subject. But, I only want to request the Hon. Finance Minister to extend that principle to the small litigants. People who go to Munsif's Courts and file small title suits are now called upon to pay only a very small court-fee ranging from 8 annas to Rs. 15 or Rs. 20, on the basis of 10 times the present value. Under the clause under discussion, it is sought to enhance the rate to thirty times. In some of the following clauses it is stated that the court-fee will be computed on thirty times the assessment of Rs. 400 whichever is higher. According to this Bill, small litigants who have been hithereto paying 8 annas, Re. 1, Rs. 5 or Rs. 10 will be called upon to pay a minimum court-fee of Rs. 30. This is a double disadvantage which will work against the interests of the poor litigants. In accordance with his own statement that we are framing this Bill according to the idea of socialistic pattern of society, the Hon. Minister for Finance will do well to look into the case of these poor litigants who constitute about 85 per cent of the litigant public who go to courts seeking some remedy or other. If we are to reach our goal, these poor people should be given

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some relief and if the enhanced court-fee that is sought to be applied to them is not applied to them, it will really be a boon to those people. It is only with this idea in view I have suggested 15 times. The Government may not lose much. On the other hand, a large number of poor litigants will certainly be saved to a great extent."

* SRI C. H. KANARAN :—"മിസ്റ്റർ സ്പീക്കർ, സർ, വസ്തു സംബന്ധമായ 11-43 a.m.
വ്യവഹാരങ്ങൾക്ക് കോർട്ട്ഫീസ് എന്താണ് കൊടുക്കേണ്ടത് എന്നുള്ളതിനെപ്പററി വ്യവസ്ഥ ചെയ്യുന്ന അതിപ്രധാനമായ ഒരു വകുപ്പാണിത്. കോർട്ട്ഫീസ്സ് വർദ്ധിപ്പിച്ചുകൊണ്ട് വരുമാനം വർദ്ധിപ്പിക്കാനുള്ള ഉദ്ദേശം ഗവർമ്മേണ്ടിനില്ലെന്ന് എത്രതന്നെ ആവർത്തിച്ചാലും ശരി, ബഹുമാനപ്പെട്ട മന്ത്രിയോട്ട് അളവററ ബഹുമാനമുള്ളവർ പോലും സമ്മതിക്കും കോർട്ട്ഫീസ്സ് വർദ്ധിപ്പിച്ചു വരുമാനമുണ്ടാക്കാനുള്ള ഒരു ശ്രമമാണ് ഇവിടെ നടന്നുകൊണ്ടിരിക്കുന്നത് എന്ന്. റവന്യൂ അസെസ്സ്മെൻറിൻെറ പത്തിരട്ടി എന്നുള്ളത് ഇപ്പോൾ മുപ്പത് ഇരട്ടിയാക്കിയിരിക്കയാണ്. ഇത് വർദ്ധനയല്ല എന്ന് മന്ത്രി ഒരു നൂറു തവണ പറഞ്ഞാലും അത് വർദ്ധനയല്ലാതാകുന്നില്ല. രണ്ടും രണ്ടും നാലെന്നുള്ളത് മൂന്നാണെന്ന് മനസ്സിലാക്കണമെന്ന് മന്ത്രി പറഞ്ഞാൽ അതിൻെറ അർത്ഥമെന്താണ് ? പത്തിരട്ടിയെന്നുള്ളത് മുപ്പതിരട്ടിയാക്കണമെന്ന് ബില്ലിൽ വ്യക്തമായി പറഞ്ഞിട്ടുള്ളത് ഏതു കുഞ്ഞിനും മനസ്സിലാകും. എന്നിട്ടും മന്ത്രി പറഞ്ഞുകൊണ്ടിരിക്കുകയാണ് ഇതൊരു വർദ്ധനയല്ലെന്ന്. കോടതിയിൽ പോകുന്നത് പണക്കാർ മാത്രമല്ല സാധുക്കളും സാധാരണക്കാരുമായ ആളുകൾക്കും ധാരാളമായി കോടതിയിൽ പോകേണ്ട ആവശ്യം നേരിടുന്നുണ്ട്. സാധുക്കൾക്കും വലിയ ബുദ്ധിമുട്ടുകൂടാതെ നീതി ലഭിക്കണമെന്നുണ്ടെങ്കിൽ ഇന്ന് നിലവിലിരിക്കുന്ന പത്തിരട്ടി വില എന്നുള്ളത് മാററാനേ പാടില്ല എന്നാണ് എൻെറ അഭിപ്രായം. വർദ്ധിപ്പിച്ചേ തീരു എന്ന് ഗവർമ്മേണ്ട് നിർബ്ബന്ധം പിടിക്കുകയാണെങ്കിൽ 15 ഇരട്ടിയെന്നോ 20 ഇരട്ടിയെന്നോ വച്ചുകൊള്ളട്ടെ. അതിൽ കൂടുതൽ ഒരിക്കലും വകവച്ചു കൊടുക്കാൻ സാദ്ധ്യമല്ല അതുകൊണ്ട് ശ്രീ പി. കെ. ഗോപാലകൃഷ്ണൻ അവതരിപ്പിച്ചിട്ടുള്ള ഭേദഗതിയെ ഞാൻ പിന്താങ്ങുന്നു.

"ഇന്ന് ഭൂമിക്ക് വിലകൂടിക്കൊണ്ടിരിക്കയാണെന്നാണ് ബഹുമാനപ്പെട്ട മന്ത്രി പറയുന്നത്. അതു ശരിയല്ല. വില ദിനംപ്രതി ഇടിഞ്ഞുവരുന്നതായിട്ടാണ് അനുഭവം. പണ്ടത്തെ നിലയിലെത്തിച്ചേരാൻ ഇനി അധികം വൈകേണ്ടതില്ല എന്നാണ് ഇപ്പോഴത്തെ പോക്കുകൊണ്ട് മനസ്സിലാകുന്നത്. അതുകൊണ്ട് ഭൂമിക്ക് വില കൂടിയിട്ടുണ്ട് എന്ന അടിസ്ഥാനംതന്നെ തെററാണ്. ഈ രണ്ടു പ്രധാനകാരണങ്ങളാലുമാണ് 30 ഇരട്ടിയെന്നുവയ്ക്കുന്നത് അക്രമമാണെന്ന് ഞാൻ പറയുന്നത്. ഇതിൽനിന്നു വരുമാനമുണ്ടാക്കണമെന്നുള്ള ഉദ്ദേശം ഉപേക്ഷിക്കണമെന്ന് ഞാൻ വീണ്ടും അഭ്യർത്ഥിക്കുന്നു."

SRI S. S. KOLKEBAIL :—" Mr. Speaker, I support the amendment moved by hon. Member Sri Panchaksharam Chettiar to the effect that the market value of the land may be reduced to 15 times the assessment on land. As pointed out by my hon. Friend, Sri Rangasamy Reddiar, there was a lot of bargaining in the Select Committee and finally the Hon. the Leader of the House accepted 'thirty times the assessment on land'. I think the Hon. Leader of the House will remember his standing promise to the House that he would always reserve something for the House. I hope he will stand by that promise and will agree in this House to reducing it to 'twenty times' at least, as a compromise. Sir, it was stated that we were not here to subsidise quarrels. But, I may tell that we are also not here to subsidise justice. The point is that we must see that as far as possible, poor litigants are not made to suffer. One of the arguments put forward by the Hon. Minister for Finanse was that in 1870 it was

only ' five ' times. Sir, I may tell him that we are not in 1870 when we were slaves under the British. We are now in 1955 as a free nation. The British introduced court-fees, lawyers' fee and all that. All these have been steadily increasing. Prior to that, people never went to courts. In old days, justice was not centralized at all. Every matter was settled at the village level. Having centralized these things the Court Fees Act and other Acts had to be introduced for meeting the expenses connected therewith. Now, persons filing even small suits have to pay a huge amount as lawyer's fee and also court-fee. In view of the several arguments put forward by the hon. Members from this side as well as the other side of the House, it is necessary that ' twenty times the assessment on land ' has to be accepted as a compromise.''

* SRI Y. MANJAYA SHETTY :—'' Mr. Speaker, in support of the amendment that I have moved I wish to say a few words. Sub-clause (2) of clause 7 determines the value of the land for purposes of valuation of court-fees. In the case of lands other than house-sites, it is proposed to compute the value at thirty times the assessment. With regard to house-sites alone it is proposed to compute at the sale value in the market. My submission is that if the value of the house-site is to be computed at the sales value in the market, the litigants may have to pay a large sum as court-fees. Especially, in villages the house-sites will not be small in size as it is in the towns. In villages house-sites will be extensive and will not be less than 50 cents in extent. According to the provision as it stands at present, great hardship will be caused to the poor litigants. That is why I have suggested in my amendment the substitution of the words ' thirty times the survey assessment on the land and the market value of the building thereon ' for the words ' its market value ' occurring in sub-clause (2), item (*g*). I hope the Government will accept my amendment which is very reasonable.''

11-40 a.m. **SRI S. RAMALINGAM** :—'' கனம் சபாநாயகர் அவர்களே, இங்கே ஒரு மந்திரியையும் காணோமே.''

MR. SPEAKER :—'' மந்திரி இங்குதான் இருப்பார். எங்கும் பறந்து போய்விட மாட்டார்.

'' I agree with the hon. Member. When the discussion is going on, at least one of the Ministers must be in the House.''

AN HON. MEMBER :—'' Can an ex-Minister take his place, Sir.''

MR. SPEAKER :—'' The Hon. Minister has come.''

SRI S. RAMALINGAM :—'' கனம் சபா நாயகர் அவர்களே, கனம் நிதி மந்திரி அவர்கள் பொது விவாதத்திற்குப் பதில் அளிக்கும் போது சர்க்கார் செய்திருக்கக்கூடிய நல்ல காரியங்கள் எதையுமே எதிர்க் கட்சியில் இருக்கக்கூடியவர்கள் பாராட்ட மறுக்கிறார்கள் என்று சொன்னார்.''

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The Hon. Sri C. SUBRAMANIAM :—"எல்லாரும் இல்லே. வக்கீல்கள்.

"No, no. I was speaking about lawyers generally."

Sri S. RAMALINGAM :—"அதுவும் குறிப்பாக ஸ்ரீ கிருஷ்ணய்யர் அவர்கள் பாராட்டவில்லேயென்று குறிப்பிட்டார்கள்.

"குறிப்பாக கோர்ட்டுக்குச் சேரவேண்டிய தொகையை $11\frac{1}{4}$ சத விகிதத்திலிருந்து $7\frac{1}{2}$ சத விகிதம் ஆகக் குறைத்திருக்கிறேம், அதையும் பாராட்ட மறுக்கிருர்களே என்று குறிப்பிட்டார். உண்மையிலேயே இது ஒரு பசுவாக இருந்தால் அதைப் பாராட்டியிருப்போம். ஆனுல் புலித்தோலேப் போர்த்திக்கொண்டிருக்கிற பசுவாக இது இருக்கின்ற காரணத்திஞல் இதை எப்படி ஸ்ரீ கிருஷ்ணய்யர் அவர்கள் பாராட்டுவார்கள் என்று கேட்க விரும்புகிறேன்.

"ஏற்கெனவே சாதாரணமாக மூன்று ஏக்கரா நிலம் வைத்துள்ளவன் கேஸ் போட வேண்டுமானுல் கிட்டத்தட்ட ரூபாய் 41-2-0 கோர்ட்-fee கட்ட வேண்டும். ஆனுல் இந்த மசோதாவின் பிரகாரம் அவன் $67\frac{1}{2}$ ரூபாய் கட்ட வேண்டி வரும். முன்பு கோர்ட்டுக்குச் சேரவேண்டிய தொகை $11\frac{1}{4}$ சத விகிதமாக இருந்ததை இப்பொழுது $7\frac{1}{2}$ சத விகிதமாக குறைத்திருக்கிறேம் என்று இவர்கள் சொல்லுகிருர்களே தவிர நிலத்தின் மதிப்பை அதிகப்படுத்தி இந்தத் தொகையை விதிப்பதால் முன்பு மூன்று ஏக்கரா நிலத் தாவாவுக்கு கோர்ட்டுக்குச் சேரவேண்டிய தொகையாக ரூ. 41-2-0 கட்டிஞல் இப்பொழுது $67\frac{1}{2}$ ரூபாய் கட்ட வேண்டி வருகிறது. இப்படிப்பட்ட நிலேமை ஏற்படும்போது அதை எப்படி பாராட்ட முடியுமென்று சர்க்காரைக் கேட்க ஆசைப்படுகிறேன். முன்பு இருந்த மதிப்பை அதாவது 10 சத விகிதமாக இருந்ததை 30 சத விகிதமாக உயர்த்திவிட்டு அதன்பேரில் $7\frac{1}{2}$ சத விகிதம்தான் விதிக்கிறேம் என்று சொல்வது சரியல்ல.

"சென்ற ஆண்டில் பொது விவாதத்தின்போது கனம் நிதி மந்திரி அவர்கள் Court-fee-ஐ அதிகப்படுத்துவது எங்கள் நோக்கம் அல்ல, இதிலுள்ள இக்கட்டுகளே போக்க வேண்டுமென்பதே சர்க்காருடைய நோக்கம் என்று சொன்ஞர்கள்."

The Hon. Sri C. SUBRAMANIAM :—"Let us go into the clause. There is no good going again into a general discussion of the Bill."

Sri S. RAMALINGAM :—"ஆனுல் இன்றைக்கு கண்டிப்பாக கோர்ட்டுக்குச் சேரவேண்டிய தொகையை அதிகப்படுத்தியே இருக்கிருர்கள். ஆகவே மார்க்கெட் மதிப்பீட்டை பத்து மடங்காகக் குறைத்துவிடவேண்டுமென்பதாகக் கொடுத்திருக்கும் திருத்தத்தைச் சர்க்கார் ஏற்றுக்கொள்ள வேண்டுமென்று கேட்டுக் கொள்ளுகிறேன்.

"இந்த மார்க்கெட் மதிப்பீட்டை நிர்ணயிக்கும்போது நகர்ப்புறங்கள், கிராமப்புறங்கள் ஆகியவற்றிலுள்ள வீடுகளின் மதிப்பு இப்பொழுது என்னவாக இருக்கிறதோ அதையே அதன் மதிப்பாக எடுத்துக்கொள்ளப்படுகிறது. இந்த மதிப்பீட்டின் பிரகாரம் அவர்கள் Court-fee கொடுக்க வேண்டிய நிலேமை ஏற்பட்டுவிடும். இந்த மதிப்பை நிர்ணயிப்பதில் மிக அதிகமாகக் காலதாமதம் ஆகும். அது மட்டுமல்ல. வீட்டின் மதிப்பை நிர்ணயிப்பதற்கு கமிஷன் போடவும், விசாரணே செய்யவும் அவசியம் ஏற்பட்டு விடும்.

"சரியானபடி கோர்ட்டுக்குச் சேரவேண்டிய தொகையைக் கட்டுவதற்கும், எதிர்க்கட்சிக்காரர்களுக்குச் சந்தர்ப்பம் கொடுக்கப்படுகிறது. இதை வைத்துக்கொண்டு அவர்கள் கட்டடத்தின் விலே அதிகம் என்று சொல்லலாம். எந்த தாவாவுக்காகக் கோர்ட்டுக்குச் சென்ருர்களோ அந்த தாவா முடிவதற்குள் சொத்தின் மதிப்பை நிர்ணயிப்பதிலும், Court-fee சரியாக

இருக்கிறதா என்பதிலும் பல தாவாக்கள் ஏற்பட்டுவிடலாம். இதைப்பற்றி விசாரித்து ஒரு முடிவு சொல்வதற்குள்ளேயே பிரதான தாவா முடிவடைவதற்கு நிச்சயமாக வெகு காலதாமதம் ஆகிவிடும். அதை நீடித்துக் கொண்டேயும் போகலாம்.

" நிலத்திற்கு மட்டும் நாம் கிஸ்தியில் பத்து மடங்கு என்று வைத்துக் கொண்டிருப்பதை 15 மடங்கு என்று உயர்த்துவதற்கு சர்க்கார் ஒப்புக் கொள்வார்களோ என்னமோ தெரியவில்லை. முப்பது மடங்கு என்று உயர்த்திவிடக்கூடாது. அதைப் போலவே நகர்புறங்களிலுள்ள வீடுகள், பஞ்சாயத்து போர்டுகள் முதலிய இடங்களிலுள்ள வீடுகள் ஆகியவற்றிற்கு அவர்கள் என்ன வரி கொடுத்துக் கொண்டிருக்கிறார்களோ அவற்றைப் போல பத்து மடங்கு என்று **Court-fee** யை நிர்ணயிப்பது சரியானது என்பது என்னுடைய அபிப்பிராயம். அதனால் மார்க்கெட் மதிப்பீட்டை நிர்ணயிப்பதில் ஏற்படும் காலதாமதங்கள், தகராறுகள் ஆகியவற்றை யெல்லாம் நீக்கிவிட முடியும் என்று சொல்ல ஆசைப்படுகிறேன். ஆகவே அந்த ஷரத்திற்குக் கொடுக்கப்பட்டிருக்கும் திருத்தங்களை எல்லாம் சர்க்கார் கவனிக்க வேண்டும்.

" அடுத்தபடியாக கோர்ட்டுக்குச் செல்வோரின் செலவும் உயருகிறது. கோர்ட்டு விசாரணை ஆன பிறகு தீர்ப்பு அளிக்கும்போது இவ்வளவு தொகை வக்கீலுக்கும் கொடுக்க வேண்டுமென்று தீர்ப்பு அளிக்கப்படுகிறது. மார்க்கெட் மதிப்பீட்டை அதிகப்படுத்துவதன்மூலமாக வக்கீல்களின் செலவும் அதிகப்படும். இதனால் கட்சிக்காரர்களின் செலவுதான் அதிகப்படுகிறது என்பதை சர்க்கார் கவனிக்க வேண்டும். வக்கீல்களுக்கு என்ன தொகை நிர்ணயிக்கப்பட்டிருக்கிறதோ அதற்குமேல் வக்கீல்கள் பணம் வாங்கிக் கொண்டிருக்கலாம். ஆனால் கோர்ட்டே அதிகத் தொகையை நிர்ணயிக்கும் படி விடக் கூடாது. இன்றைக்கு மார்க்கெட் மதிப்பீட்டை அதிகப்படுவதன் மூலமாக வக்கீல்களின் செலவு கட்சிக்காரர்களுக்கு அதிகப்படுகிறது. ஏற்கெனவே கோர்ட்டுக்குச் சேரவேண்டிய தொகையும் முன்பு இருந்ததை விட இன்னும் அதிகப்பட்டிருக்கிறது என்றும் சொன்னேன். இதனால் கட்சிக்காரர்கள் பெரிதும் பாதிக்கப்படுகிறார்கள். அதிகப்படியான வருமானம் வக்கீல்களுக்குத் தேடித் தரவேண்டுமென்ற நோக்கம் சர்க்காருக்கு இருந்தாலும், இல்லாவிட்டாலும் கட்சிக்காரர்கள் பெரிதும் பாதிக்கப்படாமலிருக்கும்படியாக கவனம் செலுத்துவது ரொம்பவும் முக்கியமாகும். ஆகவே ஏற்கெனவே இருந்தது போலவே நிலவரியின்மீது 10 சத விகிதம் என்றும், வீடுகள் போன்றவற்றின்மீது அவர்கள் கட்டுகின்ற வரியினைப் போல பத்து மடங்கு என்றும் கோர்ட்டுக்குச் சேரவேண்டிய தொகையை நிர்ணயிக்க வேண்டுமென்று கேட்டுக்கொண்டு, அதற்காகவே கொடுக்கப்பட்டிருக்கும் திருத்தங்களை சர்க்கார் ஏற்றுக்கொள்ளவேண்டுமென்று கேட்டு கொள்ளுகிறேன்."

11-47 a.m. * SRI N. MOUNAGURUSWAMI NAIDU :—' Mr. Speaker, Sir, my submission is that 30 times the assessment is a little too much. We have been paying so far only on ten times the assessment. The increase that has now been proposed is therefore too much. Further, Sir, it is a matter which affects the jurisdiction of courts also. Many suits now filed before Munsif's Courts will have to be filed in sub-courts according to the revised valuation of suits. For example we can now file a suit in respect of land paying a cost of Rs. 300 in a District Munsif's Court. The same suit, if valued under the provisions of the Bill under discussion, will have to be filed in a Sub-Court. This would result in greater congestion of work in Sub-Courts. The Munsif Courts will be deprived of a greater portion of their work, and there will not be much work for

them. Therefore I would submit to the Hon. Minister that he should also consider this aspect of the matter, and try to reduce the amount as much as possible.''

*SRI E. T. KUNHAN :—'' മിസ്റ്റർ സ്പീക്കർ, സർ, ബഹുമാനപ്പെട്ട മന്ത്രി പറയുകയുണ്ടായി ഭൂമിക്ക് വില വർദ്ധിച്ചിട്ടുണ്ട്, അതുകൊണ്ട് കോർട്ട്ഫീസ്സ് വർദ്ധിപ്പിച്ചാൽ ദോഷമില്ല എന്ന്. പക്ഷെ ഭൂമിക്ക വില വർദ്ധിച്ചിട്ടില്ല എന്നുള്ളതാണ് വാസ്തവം. മലബാറിനെ സംബന്ധിച്ചിടത്തോളം എനിക്ക് നേരിട്ടറിയാം. ഭൂമിയിൽ നിന്ന് എന്തു ആദായം കിട്ടുമെന്ന് നോക്കിയിട്ടാണ് ഭൂമിക്ക് വില നിശ്ചയിക്കുന്നത്. മലബാർ കുടിയായ്മ നിയമത്തിന്റെ പരിധിയിൽപ്പെട്ട ഭൂമിക്ക് പാട്ടം വളരെ കുറഞ്ഞിട്ടുണ്ട്. കാർഷികോല്പന്നങ്ങളുടെ വിലയും വളരെ കുറഞ്ഞിട്ടുണ്ട്. പാട്ടം കുറയുകയെന്നു പറഞ്ഞാൽ ഉടമസ്ഥന് ആദായം കുറയുക എന്നർത്ഥമാണ്. പാട്ടം കുറഞ്ഞിട്ടുള്ളതുകൊണ്ട് ഭൂമിയുടെ വിലയും അതനുസരിച്ച് കുറഞ്ഞിട്ടുണ്ട്. അതുകൊണ്ടു ഭൂമിയുടെ വില വർദ്ധിച്ചിട്ടുണ്ടെന്നവാദം സ്വീകരിക്കാൻ നിവൃത്തിയില്ല. പത്തു ഇരട്ടിയെന്നു വച്ചിട്ടുള്ളത് 30 ഇരട്ടിയാക്കുന്നതിന് യാതൊരു ന്യായവുമില്ല. ഇതു കേസ്സിന്നു പോകുന്ന ആളുകളെ ബുദ്ധിമുട്ടിക്കാനുള്ള ഒരേർപ്പാടാണ്. ജന്മിയാണ് കേസ്സിനുപോകുന്നതെന്നിരുന്നാലും ജന്മിക്ക് അനുകൂലമായും കുടിയാൻ പ്രതികൂലമായുമാണ് വിധിയുണ്ടാകുന്നതെങ്കിൽ കോടതിച്ചെലവുകൊടുക്കേണ്ട ഭാരം കുടിയാന്റെ തലയ്ക്കു തന്നെയാണ് വരുന്നത്. മുപ്പതു ഇരട്ടിയാക്കുന്നതിനെ ഒരു തരത്തിലും അനുകൂലിക്കാൻ നിവൃത്തിയില്ല. സഖാവ് ഗോപാലകൃഷ്ണന്റെ ഭേദഗതി ന്യായമായിട്ടുള്ളതാണ്. ഞാൻ അതിനെ പിന്താങ്ങുന്നു. അത് സ്വീകരിക്കണമെന്നു അപേക്ഷിക്കുന്നു.'' 11-49 a.m.

*SRI P. S. KRISHNASWAMY AYYANGAR :—'' Mr. Speaker, Sir, I am suggesting an amendment to sub-clause (*g*). This sub-clause (*g*) refers to a particular class of lands not covered by the foregoing sub-clauses of the same clause. 11-50 a.m.

'' Sir, it says—

'Where the land is a house-site whether assessed to full revenue or not, poramboke land, or is land not falling within the foregoing description . . . '

The 'land not falling within the forgeoing description' may include buildings also. Once a doubt arose, whether the 'land' would include buildings also. Once a question arose and it was contended that the particular provision of the Limitation Act with reference to land would not apply to 'house'. Here too the same lacuna continues. As it is, 'building' will be property not covered by the foregoing clauses of this Bill and will be property not coming under the category of 'land' mentioned in this very clause. Therefore, to make the position clear I have proposed in my amendment that buildings also would be included in the category of 'land' dealt with in sub-clause (*g*) of this clause. Sub-clause (*g*), after incorporating the amendment moved by me, would read as follows :—

'(*g*) Where the land is a house-site whether assessed to full revenue or not, poramboke land, or is land not falling within the foregoing description including buildings—its market value.'

It is necessary that my amendment should be accepted.''

SRI P. K. GOPALAKRISHNAN :—'' Sir, whenever the Government bring any taxation measure, they usually say that the revenue to be derived from it is very low. When the Betterment Levy Bill was brought before this House, the Government also

[Sri P. K. Gopalakrishnan] [29th March 1955

said that the revenue from it would be very low. Now also they say that the revenue expected from this Bill will be only Rs. 7 lakhs. This is a very under-estimation of facts. Actually the revenue that the Government are going to get from it will be double the revenue that they are already getting. The Hon. Minister for Finance has asked, when market value is taken into consideration with regard to other items, why not the same market value be taken into consideration with regard to lands also and why exemption should be given to it alone. In that connection, he has also stated that the market value has enhanced much. Sir, our country is an agricultural country and land is the most important item about which disputes always arise. We are all aware that in the mufassal courts, 90 per cent of the cases concern land disputes. So, this measure is going to fetch more than double the revenue that the Government are already getting now. The argument of the Government that this Bill is not at all intended to raise the revenue of the Government and it is only to remove certain anomalies, falls flat when they are going to raise the assessment basis from ten times to thirty times. In that connection, the Government have also stated that the lower income groups are going to be benefited under this Bill and a very large number of people are going to be benefited, and a very small number of people would be affected. This argument does not stand to reason and it has been countered by the hon. Member, Sri Rangaswami Reddiar. His argument was that formerly the rate was Rs. 11-4-0 for Rs. 100 and now for the same Rs. 100 increased to Rs. 300 the rate of court-fee would be Rs. 22-8-0 and there is more than 100 per cent rise in the court-fee. So, the lower income groups are not definitely going to be benefited by this Bill and let them not say that it is going to benefit them. There is a saying in Malayalam : "അരിയും തിന്ന് ആശാരിച്ചിയെയും കടിച്ചു എന്നിട്ടും നായയ്ക്കാണോ മുറുമുറുപ്പ്." That is, the Government are not only doing harm to the people but are also at the same time saying that lower income groups would be benefited.

"Then I come to my another amendment with regard to the exchange of properties. When market value is taken into consideration with regard to landed properties, why not the same principle be extended to cases involving exchange of properties? I hope the Government will consider these two points mentioned in my amendment."

* SRI V. R. KRISHNA AYYAR :—"Mr. Speaker, Sir, certain facts, which are quite clear, clearly make out a strong case for the acceptance of the amendment by the Hon. the Minister for Finance. It has now transpired that all sections of the House—whether it be Opposition Members or Members belonging to Treasury Benches—are unanimous in respect of this matter . . ."

THE HON. SRI C. SUBRAMANIAM :—"The Members from this side of the House have not heard my reply."

29th March 1955]

* SRI V. R. KRISHNA AYYAR :—" I am only summing up the present position and the Hon. Minister for Finance may throw further light in his reply. As it is, the House is unanimously of the opinion that the increase from ten times to thirty times is something rather harsh and may be unjust to the ordnary litigant public. In the Central Act it is five times, then it was raised by the Madras Government to ten times and now it is a leap-forward to thirty times and this looks rather frightful and ill-accords with the plea of the Government that this Bill is in favour of the poor. So, I submit that out of respect to the unanimous wish of the House, the Hon. Minister for Finance would persuade himself to accept the amendment.

" Then I wish to refer to another point. This country is primarily an agricultural country and litigation is largely in respect of agricultural land. This particular clause is concerned with land disputes. Since most of our suits are connected with lands, this clause will affect a large class of litigants in the country. If all of us are agreed that the agricultural population require kinder treatment from the Legislature, then the Court-fee should not be increased by three times and it would be unjust thing to do. Even about the existing rates of court-fees, High Court Judges and other judges have openly declared that they are at the highest level. So people have been looking forward to a reduction. Even the predecessor of the Hon. the Finance Minister announced that there would be a complete overhaul of the law of court-fees and there would be a substantial reduction. At any rate, in a matter like this, where a large class of litigants would be affected by the proposed section, we should exhibit a kind of compromising attitude. I would therefore request the Hon. Finance Minister to come to a compromise, though he may not be happy over it, because settlement with Members on this side as well as Members on his side will easily be the best solution and all of us will have a happy consummation if the Hon. the Finance Minister agrees to a reduction at least to 20 times if not to 10 times as one hon. Member has suggested or to 15 times as some of his own party men have suggested. It should be reduced to at least 20 times as my hon. Friend Sri M. Narayana Kurup has suggested. The major litigation in our country is land litigation and the agrarian population is the vital population in this country. They are poor and they cannot afford to pay a high rate of court-fees. Suppose I am a poor man and a wealthy neighbour wants to trespass upon my land. If I want to restrain him by way of an injunction or if I want to eject the trespasser, this section will operate against me. If I want to take the matter to the Court, I will have to pay a heavy court-fee. Therefore, in the name of the agrarian population, in the name of all sections of the House and in the name of Avadi, I request the Hon. the Finance Minister to have it reduced to twenty times."

12 noon.

* SRI K. PARTHASARATHY :—" Sir, at the outset, I wish to state that I oppose the amendment proposed by Sri P. K. Gopalakrishnan to extend the principle of notional valuation relating to

[Sri K. Parthasarathy] [29th March 1955

immovable property to cases falling under clause 42 (*d*) and (*e*). If such a course were to be adopted, it will result in an anomaly. Section 42 (*a*) refers to a suit for specific performance of a contract of sale and in such a case, court-fee has to be computed on the amount of the consideration. A contract of exchange is no less than a sale where there are two sales. The consideration for the contract is the value of the property that is given in exchange. So, when we file a suit for specific performance of a contract of exchange, then the correct basis for computing court-fees should be the market value of the property. If a notional value is adopted, it will result in an anomaly in that in the case of specific performance of a contract of a sale we assess on the basis of consideration and in the case of a contract of exchange we assess on the basis of notional value. In order to avoid that anomaly, I submit that the amendment should not be accepted.

"As regards multiplying the assessment by the number of times is concerned, I wish to submit that the adoption of notional valuation itself is a concession to the agriculturists. No doubt, litigation in the mufassal mainly relates to agricultural property and the lands are mostly assessed to land revenue. The submissions made here on the floor of this House and the representations made outside the House go to show that if the market value is adopted, it will inflict hardship on the litigants. Now, the point for consideration is what is the exact multiple of the revenue assessment that has to be adopted. This point was gone into fully by the Select Committee and no doubt the Hon. the Finance Minister came down very reluctantly and arrived at this figure of thirty times. It is for the House to decide how many times the land revenue should be the notional value and I wish only to point out that by adopting the figure of 30 times we are not increasing the liability of the litigant to pay Court-fees in the case of litigations up to the value of Rs. 1,000 by three times. We have not increased the liability by three times, because in suits up to the value of Rs. 1,000, the liability is increased only twice. The litigant has to pay only $22\frac{1}{2}$ per cent because the present *ad valorem* fees is $7\frac{1}{2}$ per cent instead of $11\frac{1}{4}$ per cent that is prevailing. Hon. Members should not be under the impression that we have increased the liability by three times, but the increase works out only to two times. In adopting the principle of notional valuation to cases coming under clause (*g*), it is now proposed that where the land is a house-site whether assessed to full revenue or not, then court-fees should be computed on its market value and not notional value. I thing this provision as it is, is bound to give rise to much confusion. In order to avoid the difficulty, the amendment proposed by Sri Manjaya Shetty may be accepted and if it is accepted, it will avoid a lot of wasteful litigation because the other party may contend that a particular plot is a house-site and therefore court-fees should be computed on its market value."

12.05 p.m. SRI M. KALYANASUNDARAM :—" கனம் சபாநாயகர் அவர்களே, இந்தப் பிரிவில் நிலத்தினுடைய மதிப்பை எப்படி மதிப்பிடுவது என்பதை வரையறுத்திருப்பது வரவேற்கத்தக்கதுதான். மதிப்பீடே

29th March 1955] [Sri M. Kalyanasundaram]

தகராறுக்குரிய விஷயமாக இருந்து விவகாரங்கள் வளர்ந்து தீர்ப்புப் பெறுவதில் காலதாமதம் ஏற்படுவதற்கு சந்தர்ப்பம் இல்லாமல் இருக்க வேண்டுமானல் இந்த ஒரு விஷயத்திலாவது சர்க்கார் எங்களுடைய திருத்தங்களை ஒத்துக்கொள்ள வேண்டும். 'மார்க்கெட் மதிப்பு' என்று சொன்னல் அதை எப்படி மதிப்பிடுவது ? மார்க்கெட் மதிப்பு என்று கொடுக்கவேண்டிய அவசியம் இல்லை என்று கருதுகிறேன். நிலத்தை எப்படி மதிப்பிடுவது என்று வரையறுத்திருக்கிருர்கள். ஆனல், நிலவரியின்மேல் முப்பது மடங்கு மார்க்கெட் மதிப்பு இருக்கவேண்டும் என்பது மிக அதிகம் என்பது என்னுடைய கருத்து. சாதாரண விவசாயிகளுடைய நிலைமையைக் கணக்கில் எடுத்துக்கொண்டால் இது மிகவும் அதிகமென்பதை நாம் ஒப்புக்கொள்ளலாம். இந்தப் பிரிவின்மேல் பேசியவர்கள் பெரும்பாலும் வக்கீல் அங்கத்தினர்களாக இருந்தார்கள், அவர்களுக்குப் பாதகம் ஏற்படும் என்று அஞ்சுகிருர்கள் என்ற எண்ணம் மந்திரியவர்களுக்கு ஏற்படக்கூடாது. வக்கீல்களுக்கு லாபமோ நஷ்டமோ இருக்காது என்பது தெரியும். எனக்கு முன்னல் பேசிய கனம் அங்கத்தினர் ஸ்ரீ ரங்கசாமி ரெட்டியார் 'எங்களுக்கு இதைப்பற்றி கவலையில்லை ; கோர்ட்டு கட்டணத்தைக் கொடுக்கப் போகிறவர்கள் கட்சிக்காரர்கள் ; எங்கள் பிழைப்பு கெட்டுவிடாது' என்று சொல்லிவிட்டார்கள். ஆகையால், வக்கீல்களுக்கு சொந்த அக்கறை இல்லை என்பது தெளிவு. விவசாயிகளுக்கு இதனல் என்ன பாதகம் ஏற்படுமென்று பார்க்கவேண்டும். பெரும்பாலும் ஒரு ஏக்கர் இரண்டு ஏக்கர் வைத்திருக்கும் விவசாயிகள் கோர்ட்டுக்குப் போவார்களானல், விவகாரம் முடிந்து திரும்பக் கணக்குப் பார்க்கும்போது கேசில் ஜெயித்தாலுங்கூட பிறகு அதனல் பலன் இருக்காது, நிலத்தின் மதிப்புக்குமேல் கடன் ஏற்பட்டிருக்கும். அந்த நிலையில் கிராமத்தில் இருக்கக்கூடிய விவசாயிகளின் நிலைமை இருக்கிறதென்பதை மந்திரி அவர்கள் உணரவேண்டும். மலையாளத்தில் ஒரு பழமொழி உண்டு. அதற்குப் பொருத்தமான தமிழ்ப் பழமொழி இல்லை. மலையாளத்தில் உள்ள பழமொழியாவது :

'കേസൊക്കെ മനസ്സിലായി
കാശൊക്കെ പോയി'

கேசு முடிந்து திரும்பும்போது கையிலிருந்த காசெல்லாம் போய்விட்டது என்பது அந்தப் பழமொழியின் கருத்து. ஏழை விவசாயிகள் கோர்ட்டுக்கு போய் ஒரு ஏக்கர் இரண்டு ஏக்கர் நிலத்தை மீட்டுக்கொண்டு வருவதற்குள் அதற்காகச் செலவிடுவதானது நிலத்தின் கிரயத்தைவிட அதிகமாகிவிடுகிறது. அதற்கு ஒரு பரிகாரம் வேண்டுமென்பதைத்தான் இதில் முக்கியமாக கவனிக்க வேண்டும். ஏராளமாக சொத்து உடையவர்களுக்கு முப்பது மடங்கு என்று கணக்கிடுவார்களானல் அதை நான் ஆட்சேபிக்கமாட்டேன். நிலப் பிரபுக்கள், ஜமீந்தார்கள் ஆகியவர்களுக்கு கோர்ட்டு விவகாரம் ஏற்பட்டு அவர்களுடைய சொத்திலே ஒரு பாகம் சர்க்காருக்கோ வக்கிலுக்கோ போவதைப்பற்றி அவ்வளவு கவலைப்பட வேண்டியதில்லை. இந்த முறையிலாவது நிலப்பிரபுக்களிடமுள்ள சொத்து மற்றவர்களுக்கு விநியோகம் ஆகட்டும். அதைப்பற்றி கவலையில்லை. ஆனல், ஏழை விவசாயிகள் பணக்காரர்களுடைய அக்கிரமமான வழக்குகளிலிருந்து எப்படி தங்களைக் காப்பாற்றிக்கொள்ள முடியும் என்ற ஒரே கவலைதான். ஆகையால் தான் மந்திரி அவர்கள் கவனிக்கவேண்டுமென்று கேட்டுக்கொள்ளுகின்றேன்.

"முப்பது மடங்கு என்று போடுவது மிகத் தவறு. பல அங்கத்தினர்கள் பத்து மடங்கு என்றும், இன்னும் சிலர் 15 மடங்கு என்றும், மற்றும் சிலர் 20 மடங்கு என்றும் மாற்ற வேண்டுமென்று திருத்தங்கள் கொடுத்திருக்கிருர்கள். **Compromise** ஆக 20 மடங்கு என்பதையாவது மந்திரி அவர்கள் ஒத்துக்கொள்ளவேண்டுமென்று நான் கேட்டுக்கொள்ளுகின்றேன்.

"கட்சிக் கட்டுப்பாடு இல்லாமல் வோட்டு எடுத்துப் பார்க்கட்டும். கட்சி கௌரவம் என்பதைப் பாராட்டாமல் கட்சிக் கட்டுபாடில்லாமல் வோட்

டெடுத்துப் பார்த்தால் 20 மடங்கு என்பதற்கு எல்லா அங்கத்தினர்களும்—சர்க்கார்தரப்பு அங்கத்தினர்களும்கூட—வோட்டு செய்யக்கூடிய நிலைமை ஏற்படும் என்பது என்னுடைய அபிப்பிராயம். இரண்டு பக்கத்திலுள்ளவர்களுடைய அபிப்பிராயத்தையும் மந்திரி அவர்கள் இதுவரையில் தெரிந்து கொண்டார்கள். ஏழை விவசாய மக்களுக்கு வசதி கொடுக்க '20 மடங்கு' என்பதை மந்திரி அவர்கள் ஒப்புக்கொள்ளவேண்டுமென்பது என்னுடைய அபிப்பிராயம்.

"நாங்கள் கொடுத்திருக்கும் இன்னொரு திருத்தத்தின் நோக்கம் என்னவென்றால், 'பஞ்சாயத்து, முனிசிபாலிடியிலுள்ள வீடுகளின் மதிப்பீட்டை நிர்ணயிக்கும்போது வீட்டு வரியைவிட பத்து மடங்கு' என்று நிர்ணயிக்க வேண்டும். நிலமாக இருந்தால் நிலவரி அடிப்படையில் மதிப்பிடலாம். சொத்து வீடாக இருந்தாலும் அதை திட்டவட்டமாக வரையறுத்துவிட வேண்டும். பஞ்சாயத்து போர்டு, முனிசிபாலிடிகளில் இருக்கக்கூடிய வீடுகளுக்காவது அந்தப்பாதுகாப்பு இருக்கவேண்டும். கிராமங்களிலுள்ள வீடுகளை மதிப்பிடும்போது மார்க்கெட் மதிப்பீடு என்று இருக்கட்டும். குறிப்பாக முனிசிபல், பஞ்சாயத்து பிரதேசத்தில் இருக்கக்கூடிய வீடுகளை எப்படி மதிப்பிட வேண்டும் என்பதற்கு அவர்கள் பஞ்சாயத்து போர்டு, முனிசிபாலிடிகளுக்கு செலுத்தும் வரியின் அடிப்படையில் வரியைவிட பத்து மடங்கு என்று கணக்கிட்டால் நியாயமாக இருக்கும். கோர்ட்டு விவகாரங்களை நியாயமான அடிப்படையில் தீர்த்துக்கொள்ள வசதியாக இருக்கும். ஆகவே, இந்த இரண்டு திருத்தங்களையும் மந்திரி அவர்கள் ஏற்றுக்கொள்ள வேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்."

12-10 p.m. * Sri V. R. KRISHNA AYYAR :—" Sir, I do not wish to make any speech. Before the Hon. Minister begins to reply to the debate on this clause, I only wish to make an appeal to him. The Bill was originally drafted on the basis that agricultural prices and land prices were very high. But the situation has now changed. The Hon. the Minister in charge of Finance himself is very much worried about the falling agricultural prices and also land prices. This same view has been given expression to by the various sections of the House. I request him to fix the market value of the land as 20 times the assessment on the land."

* The Hon. Sri C. SUBRAMANIAM :—" Mr. Speaker, Sir, this clause 7 contains two sub-clauses. Sub-clause (1) reads—

> 'Save as otherwise provided, where the fee payable under this Act depends on the market value of any property, such value shall be determined as on the date of presentation of the plaint.'

Sub-clause (2) reads—

> 'The market value of land in suits falling under section . . .'

The amendment of Mr. Krishnaswamy Ayyangar seeks to insert the words 'including buildings'. This is not necessary because building is not land and it is not included in sub-clause (2). Therefore, his amendment to insert the words 'including buildings' is not necessary.

" The entire fight (interruption . . .)—I should say it is a fight—has been put up and it has been made to look that the Government want to tax the poor people through this Bill. It is not so. We are not making any money out of it. It should be looked at from another point of view which I explained even during

29th March 1955] [Sri C. Subramaniam]

the Budget Debate. A person goes to a court of law because he has got a real grievance against another person. When a person goes to a court and when he pays the court-fee, ultimately, he gets all the costs including the court-fees he has paid from the person who has injured him. Therefore, ultimately the person who is made liable to pay the court-fee is the one who commits a wrong. If a person goes to Court on an imaginary grievance, certainly he should bear the expenditure, because he commits an injury to another person by dragging him to a court. Therefore, it is not as if we are taxing every person on the street. Civil litigation arises because a person commits a wrong to another person or a person goes to a court on an imaginary grievance against another person and this commits an injury to the latter. It is not as if, Sir, every person is bound to go to a Court of Law. In all cases where persons go to a Court of Law, aggrieved person get relief and persons who commit wrong are made to pay. If the arguments advanced by hon. Members are accepted, it would amount to showing concessions to persons who commit wrongs in society. A person who commits wrong has to pay and there should not be any plea that he should be helped and that he should not be made to pay a certain fee. It is only for the purpose of making these people who commit wrong to pay that we have all these paraphernalia of Civil Courts up to the High Court. It is only when persons unlawfully or unnecessarily exercise certain rights civil litigation arises. A person who commits a wrong will have to pay for it. Even though we are unable to make both the ends meet as far as the Department of the Administration of Justice is concerned, still a major portion of it should be met by these people. Suppose a preson is very poor. There is provision in the Civil Procedure Code for the filing of pauper suits. It is not as if poor people are completely denied any relief at all. Of course, they will have to pay lawyer's fees; but they need not pay the court-fees in the first instance . . ."

TRUTH ALONE TRIUMPHS

* Sri V. R. Krishna Ayyar:—"If a man has plot of land worth, say Rs. 250, he cannot be treated as a pauper. For purposes of filing a pauper suit, he must be an absolute pauper. Pauper relief is very inadequate."

* The Hon. Sri C. Subramaniam:—"It depends upon the Court-fee payable. It is not a question of merely owning a certain piece of land or certain property. He should not be in a position to pay the court-fee as such. That is the criterion that should be taken into account. If he has got property worth the amount of court-fees that have to be paid, then it is a different matter. Absolutely poor people can file pauper suits in a Court of law. As a matter of fact that privilege is being misused and we all know that. Therefore, there is no question of inflicting any hardship on poor litigants. But I do agree that the huge fees paid to lawyers will have to be reduced. May be, the lawyers' profession should be nationalised and they should be asked to plead like Public Prosecutors. But this is not the occasion to plead

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for all that. This is a simple Bill intended to meet the expenditure which is involved in settling disputes as between private individuals. The only question is, even in respect of this expenditure, shall we have another surcharge on land revenue and meet this expenditure or shall we ask the litigants to meet this expenditure? Perhaps, by increasing the general sales tax by another quarter anna, the general community may be made to meet the cost of litigation launched for the establishment of the rights of private individuals or for setting right wrongs committed by private individuals. The Finance Minister will have to look at the question whether by decreasing the court-fee and thus increasing the deficit as far as the administration of the Department of Justice is concerned he will not be increasing the general tax payer's burden thereby and whether there is any justification for doing that. After all, Sir, if we have to carry on the administration of justice, all these costs will have to be met. If they are to be met, shall I meet them by general taxation of the community as a whole or shall I take a fair share from the litigants? If it is viewed from that, I have absolutely no doubt that every hon. Member will agree that this is merely a process by which private rights are established and that private wrongs are rectified and that private individuals should be made responsible to meet the entire costs. Even now, there is a huge deficit. That being so, I do not think there is any justification to say that the court-fees should be further reduced. That is why, the department, the various experts and the courts also have made a suggestion that even in respect of agricultural lands the market value should be adopted. But there are other considerations in fixing the market value. There might be delays. That is why I agreed to fixing 30 times the assessment on the land.

" Another argument was advanced that lands values are falling. They are falling, according to hon. Member Sri M. Narayana Kurup, because of the impending legislation. My impression is that land legislation would increase the inherent value of the land. After all the value of the land should be judged from what it is able to produce. According to those who advocate land legislation or land reform, the productive capacity of the land can be increased by carrying out such reforms. Therefore, inherently the value of the land is bound to increase because of land legislations. Otherwise there is no justification for land reforms at all. Because of the land reforms, people will be able to produce more from the lands. Those who own the land and who till the land because of the land reforms will find it possible to raise more and more crops in their lands. The lands will be improved and this will result in increased production. There is therefore no question of the value of the land falling. That argument cannot be advanced from any point of view. There is absolutely no justification to reduce the figure further from ' thirty '. As a matter of fact, as was pointed out by Sri Parthasarathi, ' thirty times the assessment on the land ' that we have fixed in respect of the agriculturists' land is itself a concession which has not been shown to any other kind of property. However, it is not only the agriculturists who are

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poor, but there are other poor people who go to courts, for the establishment of certain rights. As far as the other poor people are concerned, we are adopting only the market value. There are the poor labourers who might have lent a sum of Rs. 100 to others. If these persons go to a Court of Law for getting the money that they have lent, they have to pay court-fees on the value of the suit, viz., Rs. 100. Why should we make a distinction between one section of the poor people and another section? Be he a poor agriculturist or be he a poor labourer, why should there be any distinction? There has to be some distinction in view of the inherent difficulties involved in valuing the lands. The value of the land may vary from one region to another. There will be difference in the value of the lands. That is why we have adopted a different method of calculation. So, to quote 'Avadi' every time is nothing but mischievous. If somebody does not like Avadi and the decisions that have been taken there, well, he is free to have his own view. (Interruption) It may be that the decisions that have been taken there are inconvenient to some. It is not fair to say every time that because of Avadi resolution, I should do this or that. I can very well say that because of Avadi resolution, I must render justice to everybody. I cannot tax the poor tax-payer for the benefit of a few individuals. When compared with the total poulation, the number of those who go to courts is insignificantly small. For the purpose of helping these people, we cannot increase the tax on all people. I cannot certainly be a party to that and as a person responsible for the welfare of the general community and for seeing that the general community is not asked to pay more than what it is bound to pay, I am unable to accept the amendments. I cannot help the poor litigants at the cost of the poor people in the community as a whole. This is the only justification that I can give at the present moment for the Government's stand in regard to this matter."

* SRI M. NARAYANA KURUP:—"Sir, the argument advanced by the Hon. the Minister for Finance seems to be ingenious, but not sound. It may carry conviction to a Legislature where there is a predominantly party Government, but not to Judges. He mentioned that it is the private individual who seeks justice in Courts of Law. May I know from him whether the expenditure under the head 'Judiciary' does not include expenditure incurred in connection with criminal cases as well? Can the Hon. Minister give us an estimate of the amount that is allocated for criminal cases and how much the litigants themselves are paying and all that? Is it the intention of the Government to mete out free justice in that respect? So, the Hon. Minister's statement in regard to this matter is only half-truth. Because, we find certain functions which the State is bound to do are also tacked on to this. If these two are differentiated, I am sure there will be a surplus. Therefore, this 'thirty times' is considered to be too much by almost all the Members belonging to every section of the House. Even at this late stage, I request the Hon. Minister to change his mind and accept the amendment suggested by us."

* SRI S. PANCHAKSHARAM :—" Mr. Speaker, I just want to say something about a word used by the Hon. Finance Minister. I do not think that he used it deliberately. He said that we on our side had to fight over this clause. That is rather too much for us to understand. When we came forward with amendments to this clause, it is not at all with a view to criticising the Government or with a view to fighting the Finance Minister. We are also entitled to put forth our views and suggestions whenever we consider that a particular clause or particular provision called for some change. It is in that view only we have moved our amendments. I am really sorry that he should have used those words."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, I always welcome criticisms and suggestions. It is not as if I wish to shut out criticisms. Hon. Members not only from the opposite side but also from behind are free to offer criticisms and suggestions. I always welcome them. I should answer those criticisms. Those criticisms cannot be left unanswered. I should meet those criticisms."

* SRI S. PANCHAKSHARAM :—" Sir, so far as I am concerned, I will stand by the party to which I have the honour to belong. If we move any amendments, it is not with a view to fight it out or any such thing, but with a view to make our humble suggestions on the subject which comes up for discussion before the House. This is what I wish to say by way of personal explanation.

" We are guided by certain standards or certain principles. Why should it be ' thirty times? Unless it be arbitrary or unless something is working in the mind of somebody, I am unable to understand why it should be thirty times. What is the charm about it? We must have some data. In 1946, the very same Congress Government enhanced the value in respect of registration of partition deeds. Now, in 1955, when prices have gone down, I am unable to understand the rationale behind this ' thirty times '. I appeal to the Hon. the Finance Minister and say that there is no special charm in having it as thirty times. We can make it at least twenty-five times as in the case of Stamps Registration Act in respect of partition deeds. Let it be twenty or even twenty-five times by way of compromise. To have it as thirty times is not correct. Let us bring forward an amendment later on if necessary. That is the best way of dealing with the situation. Simply because the Hon. the Finance Minister has accepted thirty times in the Select Committee, we are not bound to accept it here. We are entitled to express our view in the matter. I once again request the Government and the Finance Minister to accept my amendment."

* SRI P. S. KRISHNASWAMY AYYANGAR :—" Mr. Speaker, the Hon. Minister said that lands will include buildings. These matters may go even before the High Court. So, it is

better to make specific mention of 'buildings' even in the Act itself. Now, there is no specific provision made with reference to buildings. Unless lands are made to include 'buildings', there will be a lacuna and I think the Hon. Minister will find it possible to accept my amendment.''

* THE HON. SRI C. SUBRAMANIAM :—'' Sir, whether we made it clear here itself or not, the present provisions are quite clear and they will adequately cover the point mentioned by the hon. Member. In either case, whether lands included buildings or not, the present provisions will cover them.''

* SRI M. KALYANASUNDARAM :—'' கனம் சபாநாயகர் அவர்களே, 12-30 p.m.
நில மதிப்பீட்டை நிர்ணயிக்க, நிலவரியில் 30 மடங்கு என்று கணக்கிடப்பட வேண்டும் என்று இந்த பிரிவில் இருப்பதை ஆதரித்து கனம் மந்திரி அவர்கள் பேசியது எந்த விதத்திலும் திருப்தியளிக்க வில்லை. கோர்ட்டுச் செலவை முடிவில் யார் அக்கிரமமாக தாவா செய் திருக்கிறார்களோ, அவர்கள்தான் கொடுக்கப்போகிறார்கள் என்று அர்த்தப் படும்படி அவர் சொன்னார். அக்கிரமமாக தாவா செய்யக்கூடியவர்கள், பக்கத்திலுள்ள ஏழை விவசாயிகளுக்கு இடையூறு செய்யக்கூடிய அக் கிரமத்தைச் செய்துவிட்டு, தப்பித்துக்கொள்ள சந்தர்ப்பம் இருக்கிறது. பாதிக்கப்பட்ட விவசாயி கோர்ட்டுக்கு போகவேண்டுமென்றால் ஆரம்பத்தில் அவன் தாவாவிற்காக செலவு செய்து பிறகுதான் செலவு தொகையை தாவா முடிந்தவுடன் பெறமுடிகிறது. தாவாவின் ஆரம்பச் செலவே அதிகமாயிருப்பதால், அவன் கோர்ட்டிற்கு போகவே பயப்பட வேண்டிய நிலையில் இருக்கிறது. பாப்பர் (Pauper suit) சூட் போட்டு, அவர்கள் பரிகாரம் தேடவேண்டுமென்றாலும், மேலே போட்டிருக்கிற சட்டை வேட்டி இவையெல்லாம் சேர்ந்து ரூ. 40-க்குள்ளாக இருந்தால்தான், தாவா போட முடியும்.''

THE HON. SRI C. SUBRAMANIAM :—'' Wearing apparrel is not included.''

SRI M. KALYANASUNDARAM :—'' இந்த நிலையில் ஏழை விவ சாயிகளில் பெரும்பாலானவர்கள் கோர்ட்டின் மூலம் பரிகாரம் தேட முடியா மல் இருக்கிறார்கள். கனம் நிதி மந்திரி அவர்கள் கோர்ட்டுச் செலவு அதிகமாக இருப்பதோடு மட்டுமில்லாமல், வக்கீல் செலவும் பெரும்பாலும் அதிகமாக இருக்கிறது என்றார்கள். வக்கீல்கள் பீஸ் அதிகம் கேட்கக்கூடாது என்று சொல்வது நியாயம்தான். ஆனால் கனம் மந்திரி அவர்கள் அந்த விஷயத்தை சொல்லிக் காட்டிய முறை எப்படியிருந்ததென்றால் ' நீங்கள் சர்க்காரிடம் Court-fees-ஐ குறைக்க வேண்டுமென்று சொல்கிறீர்கள். வக்கீல்கள் fees-ஐ குறைக்க வேண்டும் என்று ஏன் சொல்லவில்லை ' என்று கேட்பது மாதிரி விஷமமாக இருந்தது. சாதாரணமாக, நல்ல எண்ணத்துடன் சொல்லியிருந்தால் பரவாயில்லை.''

* SRI S. PANCHAKSHARAM :—'' Mr. Speaker, Sir, I would like to correct one wrong impression in the mind of the hon. Member, regarding expenses incurred by parties towards lawyer's fees. I submit, Sir, in the year 1931, the rules relating to lawyers' fees were amended. From that year onwards there has been no revision of these fees and lawyers did not agitate for the revision of the fees payable to them. The minimum fixed is Rs. 5 for ordinary money suits and for title suits it is Rs. 25. There has been no revision at all, increasing the fees payable to vakils.''

Sri M. KALYANASUNDARAM:—" சர்க்கார் நிர்ணயித்துள்ள வக்கீல் fees-க்கும் நடைமுறையில் வக்கீல்கள் கட்சிக்காரர்ளிடமிருந்து பெற்றுக்கொள்ளும் fees-க்கும் சம்பந்தமே கிடையாது. அது வேறு விஷயம். அதைப்பற்றி வேறு சந்தர்ப்பத்தில் பேசிக் கொள்ளுகிறேன். நாம், சர்க்கார் கோர்ட்டு fees-ஐ குறைக்க வேண்டுமென்று வாதாடும் சந்தர்ப்பத்தில், கனம் மந்திரி அவர்கள் வக்கீல் பீஸைப்பற்றி தவறுதலாக, தப்பாக பேசி விட்டார்கள் என்பது என்னுடைய அபிப்பிராயம். மந்திரி அவர்கள் சொன்னது சரியில்லை.

" அடுத்தபடியாக, வீடுகள் சம்பந்தப்பட்ட வரையிலும், மதிப்பீடுகளைப் பற்றி தகராறுகள் எழ இடமில்லாதபடி அவைகளும் இதே அடிப்படையில் மதிப்பிடப்படவேண்டும் என்பதுதான் சர்க்கார் நோக்கம் என்று மந்திரி அவர்கள் சொன்ன பதிலும் திருப்தியாக யில்லை. எனவே நான் கொண்டு வந்திருக்கும் திருத்தத்தை வற்புறுத்துவதுடன், மற்ற திருத்தங்களையும் ஆதரிக்கிறேன்."

Sri Y. MANJAYA SHETTY :—" Mr. Speaker, Sir, the Hon. Minister in his reply has not said anything about my amendment with regard to the valuation of house-sites. Does his silence mean he is accepting my amendment?"

* The Hon. Sri C. SUBRAMANIAM :—" No, Sir, I have not accepted his amendment, because where the land is a house-site whether assessed to full revenue or not, then alone it comes into operation. When it is agricultural land coming under any of the categories mentioned in the clause then the statutory value comes into effect. There is no necessity for accepting the amendment. If we accept that amendment, in respect of house-site in Madras the party will be paying only 30 times the assessment, which will be a very insignificant amount compared to the value of the property. That is why I say, I am unable to accept that amendment of the hon. Member Manjaya Shetty.

" Then, Sir, with regard to what was said by the hon. Member Sri Panchaksharam Chettiar, he asked: 'What was the charm about this 30 times the assessment'. I would also like to ask: 'What is the special charm about his suggestion to alter it to 20 times or 25 times and so on'. After all we have to fix a sum taking into consideration the prevailing circumstances. The Select Committee consisting of reasonable men considered this question thoroughly and suggested that 30 times the assessment would be reasonable. That has been accepted and incorporated in the Bill. There is no charm about anything. We should arrive at some figure. We cannot shift from one figure to another. Lawyers who are now so ably arguing for the reduction of the amount, were prepared to accept 50 times the assessment. But we were able to bring it down to 30 times and the Select Committee agreed to this. Therefore, Sir, I say there is no further case for reducing this."

Mr. SPEAKER :—" I will now put the amendment to the vote of the House."

The first amendment of Sri M. Narayana Kurup was by leave of the House withdrawn.

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MR. SPEAKER :—" Is the hon. Member Sri Narayana Kurup withdrawing his second amendment? "

SRI M. NARAYANA KURUP :—" No, Sir. I am not withdrawing."

MR. SPEAKER :—" The question is—

' *In sub-clause (2), item (a), for the word " thirty ", substitute the word " twenty ".* ' "

The motion was put and declared lost.

* SRI M. KALYANASUNDARAM :—" **On a point of order, Sir,** மந்திரிகள் வரிசை பூராவும் காலியாக இருக்கிறது. நிதி மந்திரி ஒருவர் தான் இருக்கிறார். மற்ற மந்திரிகள் இந்த பிரிவை எதிர்க்கிறார்களா என்று அறிய விரும்புகிறேன்."

SRI K. RAJARAM :—" அதே மாதிரி, அந்தப்பக்கத்தில் வராதவர்கள் **amendment**-ஐ எதிர்க்கிறார்களா என்று கேட்கிறேன் ? "

A poll was demanded and the House divided as follows :— 12-40 p.m.

***Ayes*—31.**

Sri A. Veloo.
,, P. Kandaswami Gounder.
,, A. Senapathi Gounder.
,, T. Shanmugham.
,, N. Rathina Gounder.
,, S. Swayamprakasam.
,, Mookiah Thevar.
,, K. Moidu.
,, O. Koran.
,, P. Kunhirama Kidav.
,, M. Narayana Nambiar.
,, S. S. Kolkebail.
,, K. T. Sridharan.
,, M. Narayana Kurup.
Dr. K. R. Menon.
Sri M, Manickasundaram,
,, R. Krishnan.
Sri C. H. Kanaran.
,, E. T. Kunhan.
,, K. Madavan Nambiar.
,, P. Venkatesha Sholagar.
,, T. S. Arthanari.
,, A. K. Subbiah.
,, N. Sivaraj.
,, S. Vadivelu.
,, P. K. Gopalakrishnan.
,, S, Vadivelu,
,, V. R. Krishna Ayyar.
,, S. Ramalingam.
,, T. C, Narayana Nambiar.
,, K. P. Gopalan.
,, M. Kalyanasundaram.

***Noes*—51.**

The Hon. Sri C. Subramaniam.
Sri K. Rajaram Naidu.
,, B. Bhakthavatsalu Naidu.
,, S. C. Virupakshiah.
,, R. Kuppuswami.
,, S. R. Arumugam.
,, N. Mounaguruswamy Naidu.
,, P. G. Manickam.
,, S. Lakshmana Gounder.
Dr. U. Krishna Rao.
Sri K. Venkataswamy Naidu.
,, N. Ramakrishna Ayyar.
,, O. Venkatasubba Reddi.
,, T. P. Elumalai,
Sri S. Panchaksharam.
,, A. Ramachandra Reddiar.
,, R. Thangavelu.
,, A. Sambasivam.
,, O. A. Nanjappa.
,, P. M. Munuswami Gounder.
,, M. S. Munisamy Pillai.
,, V. Muthu.
,, R. M. Palaniyappan.
,, C. Muthiah Pillai.
,, O. Chengam Pillai.
,, Y. Manjaya Shetty.
,, I. K. Subramania Pillai.
,, M, Chinnathambi Thevar,
,, P. B. K. Rajachidambaran.

Sri V. Arumugam.
,, P. Urkavalan.
,, T. Ganapathy.
,, R. V. Swaminathan.
,, A. Vaikuntam
,, K. Parthasarathi.
,, P. S. Krishnaswami Iyengar.
,, Ar. A. Rm. Chockalingam Chettiar,
,, G. Govinden.
,, M. G. Muthukumaraswamy.
,, M. Marimuthu.
,, V. Krishnaswamy Padayachi.
Sri M. Dharmalingam.
,, K. R. Viswanathan.
,, S. Radhakrishnan.
,, T. Manavalan.
,, V. R. Nagarajan.
,, N. Gopala Menon.
,, G. Samia Koorayar.
,, K. H. Bomman.
,, K. P. Kuttikrisha Nayar.
,, M. Jagannathan.

Neutral—Nil.

Ayes—31; Noes—51; Neutral—*Nil.*

SRI T. C. NARAYANAN NAMBIAR :—" On a point of order, Sir."

MR. SPEAKER :—" What is the point of order now. Is it about voting? "

SRI T. C. NARAYANAN NAMBIAR :—" Hon. Members of this House are expected to vote according to their conscience."

MR. SPEAKER :—" That is not a point of order. I shall allow the hon. Member to speak after the result is announced. If there is anything wrong in the voting, I can understand his speaking now. This is not the time for hon. Member to speak about ' conscience ' and he can do it afterwards."

The motion was declared lost.

SRI T. C. NARAYANAN NAMBIAR :—" On a point of order, Sir, every hon. Member is expected to vote according to his conscience. The hon. Member Sri Panchaksharam was vehemently fighting for the acceptance of this amendment but he voted against it."

MR. SPEAKER :—" How could the Chair be responsible for it? The hon. Member has not raised a point of order."

* THE HON. SRI C. SUBRAMANIAM :—" Hon. Members come here with a view to convert and to get converted. They should not adopt an attitude adopted by the Members of the Communist Party and, according to me, they are not functioning properly as Members."

* SRI S. PANCHAKSHARAM :—" I have forestalled the hon. Member opposite, and said that we are here sworn to die for the Party and vote for it. We are coming forward with our amendments to suggest to the Government our views on certain matters as we have no other forum to do so. So, there is no point of order."

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SRI K. P. KUTTIKRISHNAN NAIR :—" Sir, casting aspersion on hon. Members comes under ' breach of Privilege'."

MR. SPEAKER :—" It does not come under it. But if the hon. Member thinks that it is a breach of privilege, let him give notice of a motion to that effect."

SRI M. NARAYANA KURUP :—" The hon. Member, Sri Panchaksharam, said that he would die for his Party. Is he aware of the advice of Mr. Churchill that the duty of the Member is first to the country, then to the constituency and then to the Party."

MR. SPEAKER :—" The hon. Member is going away from the main point. Now I am not going to allow further debate on it. Is the hon. Member, Sri Panchaksharam withdrawing his amendment."

SRI S. PANCHAKSHARAM :—" I am withdrawing it."

The amendment of Sri S. Panchaksharam was by leave of the House withdrawn.

The amendments of Sri P. K. Gopalakrishnan were by leave of the House withdrawn.

The amendment of Sri S. Panchaksharam was by leave of the House withdrawn.

The amendment of Sri P. S. Krishnaswamy Ayyangar was by leave of the House withdrawn.

The amendment of Sri Y. Manjaya Shetti was by leave of the House withdrawn.

The amendment of Sri P. K. Gopalakrishnan was by leave of the House withdrawn.

MR. SPEAKER :—" Is the hon. Member Sri Kalyanasundaram, withdrawing his amendment? "

SRI M. KALYANASUNDARAM :—" I am not withdrawing it."

MR. SPEAKER :—" The question is—

' *Add* the following as new sub-clause (*h*) :—

" (*h*) Where the land is a building situated in a panchayat or municipal area ten times the panchayat or municipal assessment as the case may be." ' "

The amendment was put and lost.

MR. SPEAKER :—" Is the hon. Member, Sri Ramalingam, withdrawing his amendment? "

SRI S. RAMALINGAM :—" I am not withdrawing it."

MR. SPEAKER :—" The question is—

' After the existing sub-clause (2), *insert* the following new sub-clause :—

" (3) The market value of the house shall be deemed to be ten times of the municipal or panchayat board tax as the case may be." ' "

The amendment was put and lost.

MR. SPEAKER :—" The question is—

' That Clause 7 do stand part of the Bill.' "

SRI M. NARAYANA KURUP :—" Though the Hon. Minister for Finance has won but still there is time for him to fulfil our expectations."

The clause was put and carried.

Clause 8 was put and carried.

Clause 9.

SRI P. S. KRISHNASWAMY AYYANGAR :—" Sir, I move the following amendment which stands in my name :—

' For *the words " where the fees chargeable thereunder are different, be chargeable only with the highest of such fees "*, substitute *the words " where the fees respectively chargeable in respect of the several documents falling under those several descriptions are equal, be chargeable with only one such fee and where such fees are unequal, be chargeable with that fee alone which is either the highest or one of the highest of such fees ".'* "

SRI M. JAGANNATHAN :—" I second it."

MR. SPEAKER :—" Amendment moved—

' *For* the words " where the fees chargeable thereunder are different be chargeable only with the highest of such fees ", *substitute* the words " where the fees respectively chargeable in respect of the several documents falling under those several descriptions are equal, be chargeable with only one such fee and where such fees are unequal, be chargeable with that fee alone which is either the highest or one of the highest of such fees ".' "

Now both the clause and the amendment are before the House for discussion."

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* SRI P. S. KRISHNASWAMY AYYANGAR :—" Sir, Clause 9 deals with documents falling under two or more descriptions. In each case what is the fee to be levied on such documents is the question to be considered now. This clause says—

' . . . a document falling within two or more descriptions in this Act shall, where the fees chargeable thereunder are different , . .'

Suppose there are four categories of documents. For instance, three categories of documents may bear a court-fee of Rs. 50 each and the fourth category may bear a fee of Rs. 25. That means three categories will bear the equal fee while the fourth will bear a lower fee. What is to happen in such cases. This clause as it is worded, indicates that all the four documents should bear different fees but there is no provision to meet a case mentioned by me. My amendment seeks to make the point clear and with 12-50 p.m.
that object, I move my amendment—

' For *the words* " *where the fees chargeable thereunder are different, be chargeable only with the highest of such fee* ", substitute *the words* " *where the fees respectively chargeable in respect of the several documents falling under those several descriptions are equal, be chargeable with only one such fee and where such fees are unequal, be chargeable with that fee alone which is either the highest or one of the highest of such fees* ".' "

If the fees chargeable are all equal, it will be chargeable only with one such fee and where such fees are unequal, it will be chargeable with that fee alone which is either the highest or one of the highest of such fees. Suppose a document falls under three descriptions under which the fee chargeable is the same. To make provision for such cases, I have stated ' or one of the highest of such fees '. I think this amendment will be accepted."

* THE HON. SRI C. SUBRAMANIAM :—" I do not think it is necessary to amend this clause. We have adopted the language in section 6 of the Stamp Act and it has not created any difficulties so far. I do not think this amendment is necessary, even though I do agree that perhaps it could have been expressed more explicitly. I do not think that the clause, as it is, will lead to any difficulty."

* SRI P. S. KRISHNASWAMY AYYANGAR :—" Sir, when I drafted the amendment, I was also aware of the fact that these words are found in a previous Act. If due to inadvertence some mistake has crept into that Act, it is not necessary that we should continue the same mistake or drafting error in a subsequent statute also. Our object should be to make improvements from time to time and if that principle is accepted, the mere fact that these words are found in a previous Act need not be a ground for rejecting this amendment. This is all that I wish to say."

MR. SPEAKER :—" Is the hon. Member withdrawing his amendment? "

SRI P. S. KRISHNASWAMY AYYANGAR :—" Sir, I am withdrawing it."

The amendment was, by leave, withdrawn.

MR. SPEAKER :—" The question is—

' That Clause 9 do stand part of the Bill.' "

Clause 9 was put and carried.

Clause 10.

The Clause was put and carried.

Clause 11.

MR. SPEAKER :—" The motion is—

' That Clause 11 do stand part of the Bill.' "

SRI S. PANCHAKSHARAM :—" Sir, I move—

' *In the first proviso*, add *at the end* " *who shall decide the same* ".' "

The amendment was duly seconded.

MR. SPEAKER :—" Amendment moved—

' In the first proviso, *add* at the end " who shall decide the same ".' "

* SRI S. PANCHAKSHARAM :—" My amendment is a simple one. Sir, it is something like a ' reference ' that is mentioned in the Civil Procedure Code under which if a Judge feels that there is a difficult question of law involved, he can make a reference to the High Court and the decision of the High Court will be final. If the reference to the Taxing Officer is to have a similar effect, then we should say that the decision of the High Court Judge should be final. I have stated that the words ' who shall decide the same ' shall be added at the end of the first proviso."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, there are the words ' Provided further that, when the case comes up for disposal before the Court, the decision of the Taxing Officer may be reviewed by the Court '. The words ' may be reviewed ' includes taking a decision."

The amendment of the hon. Member Sri S. Panchaksharam, was by leave, withdrawn.

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MR. SPEAKER :—" The question is—

' That Clause 11 do stand part of the Bill.' "

Clause 11 was put and carried.

Clause 12.

MR. SPEAKER :—" The motion is—

' That Clause 12 do stand part of the Bill.' "

There are a number of amendments to this Clause and the hon. Members who have given notice of them may move their amendments."

SRI P. K. GOPALAKRISHNAN :—" Sir, I move—

' For *the existing clause, substitute the following* :—

" 12. (1) *Every question relating to valuation for the purpose of determining the amount of any fee chargeable under this Chapter on a plaint or memorandum of appeal, shall be decided by the Court in which such plaint or memorandum, as the case may be is filed, and such decision shall be final as between the parties to the suit.*

(2) *But whenever any such suit comes before a Court of Appeal, reference or revision, if such Court considers that the said question has been wrongly decided to the detriment of the revenue, it shall require the party by whom such fee has been paid to pay so much additional fee as would have been payable had the question been rightly decided, and in such case the suit shall be stayed until the additional fee is paid, if the additional fee is not paid within such time as the Court shall fix, the suit shall be dismissed* ".' "

SRI S. RAMALINGAM :—" Sir, I second the amendment."

SRI M. NARAYANA KURUP :—" Sir, there are four amendments to this Clause, standing in my name (Nos. 78 to 81). I move—

' *In sub-clause* (1), *line* 2, *after the words* " *the Court* " insert *the words* " *or the officer entitled to receive the plaint* ".' "

Add *the following proviso to sub-clause* (1) :—

" *Provided that the Officer may refer the question of proper fee to the Court in cases of dispute or where necessary.*"

In sub-clause (2), *line* 1, *after the words* " *Any defendant* ", insert *the words* " *not being a* pro forma *defendant against whom no relief is claimed* ".'

In the Explanation under sub-clause (3), *line* 1, *after the word* " *apply* ", insert *the words* " *if the question raised is substantially the same as raised previously and decided or* ".' "

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SRI K. T. SRIDHARAN :—" I second the above amendments."

SRI S. RAMALINGAM :—" Sir, I move—

' *In sub-clause* (1), for " *being however subject to* . . . *in the succeeding sub-sections* ".

Omit sub-clause (2) *to* (5).' "

The amendments were duly seconded.

SRI S. PANCHAKSHARAM :—" Sir, I move the amendments standing in my name (Nos. 204 to 208) :—

' *In sub-clause* (1) omit *the words* " *and on the materials contained* . . . *section* 10 ".'

In sub-clause (1), *omit the words* " *payable thereon* . . . *succeeding sub-sections* ".'

In sub-clause (2) *for the words* " *before the first hearing* . . . *merits of the claim* " *occurring in lines* 1 *and* 2, substitute *the words* " *before other issues are framed on the merits of the claim* ".'

In sub-clause (2), *in line* 10, *for* " *fix a date* ", *substitute* " *grant such time as it thinks fit* ".'

In sub-clause 4 (*b*), *add at the end* " *or extended by it*".' "

SRI N. MOUNAGURUSWAMI NAIDU :—" Sir, I second the amendments."

SRI M. KALYANASUNDARAM :—" Sir, I move—

' *In sub-clause* (1) for *the words* " *the decision* . . . *succeeding sub-sections* " substitute *the words* " *and the decision shall be final* ".'

Omit *sub-clause* (2).'

' Omit *sub-clause* (3) *and the* " *Explanation* ".' "

SRI T. C. NARAYANAN NAMBIAR :—" Sir, I second the amendments."

MR. SPEAKER :—" The Clause as well as the amendments are before the House for discussion."

* SRI M. NARAYANA KURUP :—" Sir my amendments Nos. 78 and 79 are inter-related. Clause 12 empowers the Court to fix the proper court fees. We know that sometimes the Judges may not be sitting and it is generally the Sheristadar in the Sub-Court or the District Court and the Head Clerk in the Munsif's Court that receive the plaints. My first amendment seeks to includes the words ' or the officer entitled to receive the plaint ' after the words ' the Court '. It will only enable the officer also to receive the plaint, but that does not take away the jurisdiction of the court, because my next amendment (No. 79) seeks

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to add the following proviso ' Provided that the officer may refer the question of proper fee to the court in cases of dispute or where necessary '. Even before the court actually reopens, parties are entitled to file plaints and it is the officer that is empowered that received the plaints. Therefore, I want the power to be given to that officer to decide what is the proper court-fee.

" My next amendment (No. 80) seeks to add the words ' not being a *pro forma* defendant against whom no relief is claimed ' after the words ' Any defendant '. The principle is that the court-fee payable on a plaint is decided on the allegations contained in the plaint. A very radical innovation has been made in this Act which gives the right to question the court-fee to the defendants also. That principle has been accepted, but I want to say that that right should be confined only to the defendants who have raised valid pleas in the suit. For instance, in a suit on a simple mortgage, generally the tenants in possession are also added. No relief is claimed against them and persons of that type are called *pro forma* defendants. So, it will be a knotty question whether such defendants against whom no relief is claimed are entitled to raise the question of the court-fees. This may lead to unnecessary complication. I therefore want that the right should be confined to the defendants who have valid pleas in the suit and against whom relief is claimed.

" My next amendment relates to the finality for raising such points. For instance, it is stated that the heirs and successors of a defendant will be bound if his predecessor or representative in interest has raised the question. There is no objection to that. Suppose a defendant has got eight heirs. Due to some oversight, only seven of them are impleaded. They raise a question of court-fee and it may be found either this way or that. But subsequently the eighth defendant is impleaded. Under the Clause as it stands, the eighth defendant will also be entitled to rake up the question afresh and the whole question must be decided. What I say is that if the question raised is substantially the same as raised previously or has been decided before, because due to some oversight the man has not been impleaded as a party to the proceeding, he should not be given the power to rake up the question. That is the point which I wish to raise by my amendment."

SRI V. R. KRISHNA AYYAR :—" Sir, the provisions contained in Clause 12 is a wide departure from the one contained in section 12 of the present Act. With regard to valuation of suits there must be some finality at a very early stage. There should not be opportunities for appeal, second appeal, re-opening of decisions, etc. If there is no finality in the matter of valuation of suits and determination of court-fees to be payable even at a very early stage, the ascertainment of court-fees itself will become a fruitful source of litigation. The provision incorporated in Clause 12 is very different from that contained in section 12 of the present Act. The decision of the original court as regards 1 p.m.

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the fee to be paid is subject to review, further review and correction as provided for in the various sub-clauses of Clause 12. A defendant, added after issues have been framed, may plead that the suit has not been properly valued. I submit, Sir, that this clause is riddled with mischief. If a person goes to a court, he must know what exactly is the court-fee to be paid even at the early stage of litigation. But under the provisions contained in Clause 12, he will not be able to know what is the court-fee to be paid even at the late stage of litigation. When somebody is added as a defendant after issues have been framed, it is open to the new defendant to plead that the subject matter of the suit has not been properly valued. Every time a defendant is added, the issue of revising the court-fees will be raised. Therefore, if there is no finality in this matter of determination of court-fees the very act of ascertainment of court-fees will become a source of litigation. In this clause we find that all kinds of new ideas have been brought in, which give a sort of vested interest to the defendants. I therefore submit that the principles contained in this clause cannot be accepted."

Sri T. C. NARAYANAN NAMBIAR :—" Sir, I support the amendment moved by hon. Member Sri P. K. Gopalakrishnan. If the clause is approved as it is, more time will have to be spent in the determination of court-fees to be paid itself. When parties go to court to settle some dispute between them they are not in a position to come to an amicable settlement outside the court. As soon as a person presents a plaint in a court of law, the presiding officer must at once determine the amount of court-fees to be paid. Once that is settled, it must not be reopened again in the same court or in other higher courts. I submit, Sir, that even at the very first stage, the amount of court-fees to be paid should be decided and under no circumstances this matter should be dragged on. The people should not be put to the necessity of spending more money on this issue of determination of court-fees, than to be spent on the subject-matter of litigation itself."

Sri P. K. GOPALAKRISHNAN :—" Sir, the amendment I have given notice of contains the actual provisions contained in section 12 of the existing Court Fees Act. The present clause 12, instead of simplifying the procedure, of determining the court-fees to be paid is making it more difficult. According to the provisions in clause 12, every time a defendant is newly added, it is open to him to plead that the subject-matter of the suit has not been properly valued. It has been provided in clause 12 that the decision of the original court is ' subject to review, further review and correction, in the manner specified in the succeeding sub-sections '. This means, Sir, that the determination of court-fees itself will take a long time. Once the presiding officer of the court applies his mind and comes to a decision with regard to the amount of court-fees to be paid, his decision must be final and defendants newly added at a later stage should not be allowed to raise this issue of valuation of suits and consequent determination of court-fees. If we allow the clause as it is, much of the time of the

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courts will be spent in determining court-fees to be paid in each case. I think, Sir, the existing provisions in section 12 of the present Act may be allowed to remain as it is. That is why, Sir, I have given the existing section 12 itself as my amendment.''

SRI S. RAMALINGAM :—" கனம் சபாநாயகர் அவர்களே, கோர்ட்டு 1-07 p.m. **fees** சம்பந்தமான இந்த பன்னிரண்டாம் பிரிவைப் பற்றி பேசும்போது, சில விஷயங்களை குறிப்பிட விரும்புகிறேன். பிரதிவாதிகள் ஆட்சேபணை செய்தால், அதன்பேரில் வாதி செலுத்தியிருக்கிற கோர்ட்டு **fees**-ஐ பற்றிய விசாரணையை கோர்ட்டுகள் செய்யலாம் என்று இந்தப் பிரிவில் குறிப்பிடப்பட்டிருக்கிறது. அதைத்தான் அங்கத்தினர்கள் பலர் ஆட்சேபித்து இருக்கிறார்கள். இதற்கு முன்பே, இங்கு பேசும்போது எல்லாம், அங்கத்தினர்கள் குறுகிய காலத்தில் எளிய முறையில் நியாயம் கிடைக்க வேண்டும் என்பதை பலதடவை எடுத்துக் காட்டியிருக்கிறார்கள். சர்க்காரும் ஓரளவிற்கு இந்தக் கொள்கையை ஒத்துக்கொண்டிருக்கிறார்கள். அப்படியிருக்க, நடைமுறையில், வாதி கோர்ட்டு **fees** கூட கட்டவேண்டுமா, அல்லது குறைவாக கட்டவேண்டுமா என்பதில் பிரதிவாதி அக்கரை காட்ட வேண்டும் என்று செய்திருப்பது சரியில்லை. கோர்ட்டு **fees**-ஐ பற்றிய அக்கரை சர்க்காருக்கு இருக்க வேண்டுமேயன்றி, பிரதிவாதிகளை அக்கரை செலுத்தச் செய்திருப்பது, அவர்கள் எப்படியாவது வழக்கை இழுத்துக் கொண்டேபோய், முறியடிக்க வேண்டுமென்ற எண்ணத்துடன் வாதி செலுத்தியிருக்கிற கோர்ட்டு கட்டணம் குறைவாக உள்ளது என்று வாதாட வசதி யளிக்கிறது. அதுமட்டுமல்லாமல், புதிதாக பிரதிவாதிகள் சேர்க்கப் பட்டால், அவர்கள் வாதத்தின்பேரிலும் கோர்ட்டு **fees**-ஐ பற்றிய விசாரணை செய்யலாம் ; புதியதாக ஒரு **Issue** சேர்த்துக்கொண்டால், அதன்பேரிலும் விசாரணை செய்யலாம் ; இன்னும் கோர்ட்டார் நினைத்தால், சர்க்காருக்கு நோட்டீஸ் கொடுத்துவிட்டு, அவர்களையும் கூப்பிட்டு விசாரணை செய்யலாம் ; **Court-fee Examiners** என்று சர்க்கார் ஏற்படுத்தியிருக்கிறார்கள். அவர்கள் பல மாதங்கள் கழித்து, **Court-fees**-ஐ பற்றிய பரிசீலனை செய்யும்போது, கட்டப்பட்டிருக்கிற கோர்ட்டு **fees** குறைவு என்று சொன்னாலும், அதன் பேரிலும் விசாரணை செய்யலாம், என்றிருக்கிறது. இப்படிப் பார்த்தால் **Court-fees**-ஐ பற்றிய விசாரணை ஏழு, எட்டு தடவைகள் நடக்கும்போலிருக் கிறது. இவ்வளவு விரிவாக அதிகமான விசாரணைகளை கோர்ட்டு **fees** சம்பந்தமாகவே நடத்திக்கொண்டு போனால் தாவாவின்பேரில் விசாரணை செய்ய எவ்வளவு காலமாகும். இதன் விளைவாக கட்சிக்காரர்களுக்கு எவ்வளவு தொந்திரவுகள் ஏற்படும் என்பதை சர்க்கார் எண்ணிப் பார்க்க வேண்டும். ஆகவே, கோர்ட்டில் இருக்கக்கூடிய உத்தியோகஸ்தர்களில் **Chief Clerk** அல்லது **Head Clerk** அவர்கள் பார்த்து இறுதியாக முடிவு செய்ய விட்டுவிடலாம், அல்லது கோர்ட்டிற்கே அந்த முடிவு செய்யும் அதிகாரத்தை விட்டுவிடலாம். இந்த முறைதான் தற்போது நடைமுறையில் இருந்து வருகிறது. இந்த முறையினால் சர்க்காருக்கு நஷ்டம் வந்திருப்பதாக எனக்குத் தெரியவில்லை. கோர்ட்டுகளில் இருக்கக் கூடிய ஜட்ஜுகள் சர்க்காருக்கு வரக்கூடிய வருமானத்தை விட்டுக் கொடுத்து விடுவார்கள் என்ற அவநம்பிக்கை சர்க்காருக்கு ஏற்படவேண்டிய அவசிய மில்லை. ஆகவே இதற்காக ஒரு புதிய, பெரிய **procedure** ஏற்படுத்த தேவையில்லை. குறுகிய முறையில் **Court-fees**-ஐ நிர்ணயிப்பதற்கு என்ன **procedure** தேவையோ, அதைச் செய்யவேண்டுமென்று கேட்டுக்கொண்டு, முடித்துக்கொள்ளுகிறேன்."

SRI M. KALYANASUNDARAM :—" கனம் சபாநாயகர் அவர்களே, 1-11 p.m. இந்தப் பிரிவானது மிகவும் விஷமத்தனமாக இருக்கிறது என்று நான் கருதுகிறேன். சர்க்காரின் நோக்கம் வாதிக்கும், பிரதி வாதிக்கும் இருக்கும் தகராறை தீர்த்து நியாயம் வழங்க வேண்டுமென்பதா, அல்லது வாதியும், பிரதிவாதியும் இன்னும் அதிகச் சண்டை போட்டுக் கொள்ள வேண்டுமென்பதா என்று எனக்குப் புரியவில்லை. சர்க்காரை பொருத்தவரை, கோர்ட்டு **fees** சம்பந்தப்பட்ட மட்டும், வாதி சர்க்காரை ஏமாற்றாமல் பார்த்துக்கொள்ள வேண்டியது அவசியம் என்பதை ஒத்துக்கொள்ளுகிறேன். அதற்காக, ஆரம்பத்திலேயே, வாதி கோர்ட்

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டில் தாவாவை சமர்ப்பித்த உடனே, எவ்வளவு விரிவான பரிசீலனை வேண்டுமானாலும் நடத்திக் கொள்ளட்டும். அப்படி எடுக்கப்படும் முடிவு அந்தக் கோர்ட்டு சம்பந்தப்பட்ட வரையில் இறுதியாக இருக்கவேண்டும். இதுதான் ஏற்கனவே நடைமுறையில் இருக்கின்ற முறை. இந்த முறையில், இப்பொழுது புதிதாக மாறுதல் செய்யவேண்டிய அவசியம் என்னவென்பது எனக்குப் புலப்படவில்லை. வாதி செலுத்தியிருக்கிற கோர்ட்டு **fees** போதுமா, போதாதா, நியாயமாக செலுத்தப்பட்டு இருக்கிறதா என்ற பிரச்னையை கிளப்பக்கூடிய அதிகாரம், பிரதிவாதிக்கு கொடுக்கப்பட்டிருக்கிறது என்று ஏற்பட்டால், ஒவ்வொரு வியாஜ்ஜியத்திலும் கோர்ட்டு **fees** பேரில் ஒரு தனி வியாஜ்ஜியம் நடக்கக்கூடிய நிலைமை ஏற்படும். இதனால் பணம் படைத்தவர்களுக்குத்தான் அனுகூலம் ஏற்படும். பிரதிவாதி பணம் படைத்தவனாக இருந்தால், வாதி நியாயத்தை சுலபமாக பெற முடியாது. இதனால எல்லையற்ற தகராறுதான் ஏற்படும். புதிய **Issue**- ஏற்பட்டு விடுமேயானால், அதன் விளைவாக மதிப்பீட்டில் மாறுதல் ஏற்படலாம். ஆகவே அதன்பேரில் **Court-fees**-ஐப் பற்றிய விசாரணை நடத்துவதில் நியாயம் இருக்கிறது என்று ஒப்புக்கொள்ளலாம். ஆனால் அந்த **Court fee** பிரச்னையை கிளப்ப வேண்டிய பொறுப்பு யாருடையது ? கோர்ட்டின் பொறுப்பா, பிரதிவாதியின் பொறுப்பா ? பிரதிவாதிக்கு என்ன அவ்வளவு அக்கரை வந்திருக்கிறது. கோர்ட்டு தானாகவே புது **Issue**-க்கள் **frame**-செய்திருப்பதால், மதிப்பீடு மாறியிருக்கிறது. இதனால் வாதி புதிய **Court-fee** கட்டணம் செலுத்தவேண்டிய நிலைமை ஏற்படுமேயானால் கோர்ட்டார்தான் அந்தப் பிரச்னையை எழுப்ப வேண்டுமே தவிர, இரண்டு சந்தர்ப்பங்களிலும் பிரதிவாதி கையில் பிரச்னையை விட வேண்டிய அவசியம் கிடையாது. பிரதிவாதி கையில் இந்த **Court-fee**-பிரச்னையை விடுவதானது, வாதிக்கும், பிரதிவாதிக்கும் இடையே உள்ள தகராறை தீர்த்து வைப்பதற்கு பதிலாக, அதிகப்படுத்த, முற்ற வைக்கத்தான் வழி செய்யும் என்பதை தெரிவித்துக்கொள்ள விரும்புகிறேன். எனவே, இந்த பிரிவை ஆட்சேபிப்பதுடன் கொண்டுவரப்பட்டிருக்கும் திருத்தங்களை சர்க்கார் ஏற்றுக் கொள்ளவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்."

1-13 p.m. * Sri P. RANGASWAMY REDDIAR :—" Mr. Speaker, clause 12 (5) provides for preliminary enquiry on the question of court-fees before deciding to record evidence affecting the merits of the claim. I want to draw the attention of the Hon. the Finance Minister to a provision in the Civil Procedure Code for trying certain issues in cases in which issues are to be framed. Certain issues can be tried as preliminary issues. Now, several High Courts have pointed out the undesirability of disposing of suits on preliminary issues. Even though the issue may dispose of the entire case, and even though the issue may affect vital questions and it may be crystal clear such as limitation, etc., the High Courts have pointed out the undesirability. Because, the Courts felt that the clients may have a tendency to drag on the proceedings and they may go up to the highest court on the question of preliminary issues. Therefore, they have pointed out that the cases should be decided in respect of all issues on merits. Such is the practice now. By introducing a clause like sub-clause (5) of clause 12, the cases may drag on for a long time. The amendment moved by Sri P. K. Gopalakrishnan which consists of 10 lines in the place of 40 lines given in the Bill makes the position clear and may be accepted, and thus much time and money may be saved."

* The Hon. Sri C. SUBRAMANIAM :—" Sir, the first principle involved in this clause is contained in sub-clause (5), which states, 'All questions as to value for the purpose of determining

the jurisdiction of courts arising on the written statement of a defendant shall be heard and decided before evidence is recorded affecting such defendant, on the merits of the claim '. Before the trial of the case is begun, the payment of court-fees and other things have to be decided. All other things are only procedural giving opportunities to a party to bring to the notice of the court certain facts. That is all and there is nothing more than that. Secondly, it is the court which will have to decide whether the proper court-fee has been paid or not. The defendant will be entitled to bring to the notice of the court certain facts which he may consider necessary before the trial begins or before the evidence is recorded in respect of matters arising on pleas of limitation and the like. There is always this limitation. So, it is a matter of procedure which is adopted here. But, there is one new principle which we have adopted here. As it is, the court-fee is payable only on the allegation contained in the plaint. But now we have said that the court must make into consideration all facts given in the written statement of the defendant and find out the true nature of the case. Sir, by expert pleading, it is quite possible to overcome the necessity to pay higher court-fee by evading certain facts in the plaint. For example, if it is merely a declaratory suit, a certain court-fee is payable. If the plaintiff also wants possession, then a higher court-fee will have to be paid. The plaint could be so drafted that it will be taken to mean as a suit for declaration only and a small court-fee will be paid according to this. Now, when the defendant comes to the court and says, ' No, no. This cannot be a mere suit for declaration. As a matter of fact, I am in possession of the property. Therefore, if the plaintiff wants any relief, he should have asked for both declaration as well as possession '. Then, the court has to finally decide what the issues are that it has to frame; i.e., whether the suit is merely for a declaration or for possession as well. If it is to be considered as a suit for possession also, even though this fact may not have been made clear in the plaint by expert pleading by expert lawyers, the court will have to ask the plaintiff to pay a higher court-fee. Only when all the facts in respect of a particular case are before the court, the real nature of the suit becomes evident and it becomes possible to frame definite issues. It is not as if one category of suit alone will be dealt with by the courts. The courts must have all the facts before them to frame the issues. When it is found that particular suit is not merely for declaration but also for possession, the plaintiff will be called upon to pay additional court-fee. Sir, this point has also been commented upon by the various High Courts. Clever lawyers draft their plaint in such a way that the real nature of the suit is found out only when all the facts of the case are gone into. That is why we have the present provision in sub-clause (5)."

* SRI V. R. KRISHNA AYYAR :—" Sir, there is another difficulty. The defendant equally and ably assisted by clever lawyers may take advantage of this provision and try to harass the plaintiff. I would like to know what will happen in certain cases where the plaintiff only wants a declaration. It will be open to

the defendant to raise the question of possession also and say that the plaintiff was also interested in possession and so he may be called upon to pay higher court-fees. Till this question is settled, the defendant will continue to be in possession and if the plaintiff was not able to pay higher court-fees, his suit will also be dismissed on this ground. If a trial was allowed, the plaintiff would have been in a position to explain his standpoint. He loses this chance now.''

* THE HON. SRI C. SUBRAMANIAM :—'' Sir, if the hon. Member goes through the provisions, he will find that even though such an issue is raised by the defendant, the plaintiff can very well say, 'I do not care for possession. I only want a declaration. The suit is only a declaratory suit.' The court may dispose of the case only so far as it related to declaration. So, the hon. Member's point is adequately met by the existing provisions. But, when the defendant raises this question of possession and also wants that matter to be decided, he will be called upon by the court to pay additional court-fee. That is what we have made clear here and there is nothing more than that, Sir.''

* SRI S. PANCHAKSHARAM :—'' Sir, I am sorry to intervene in the debate. I wish to point out to the Hon. the Minister for Finance that 'declaration by itself cannot form a prayer in any plaint. There must be some other prayer which will flow from out of that declaration. There is declaration with reference to status as for instance, reversionary rights, right to succeed to property after the death of a limited owner and all that. That may be declaration with reference to status alone and it is governed by section 42 of the Specific Relief Act. Sir, the Court Fees Act does not contemplate such declarations alone. The declarations must necessarily be followed by some other relief also either in the shape of possession or in the shape of injunctions restraining some party from interfering with possession or the appointment of receivers. Apart from section 42 cases there cannot be a pure and simple suit for declaration.''

1-20 p.m. SRI M. NARAYANA KURUP :—'' The law as enunciated is not correct. There is a certain class of suits intended 'to remove the cloud of title'. What I ask is to see that the document is allowed.''

* THE HON. SRI C. SUBRAMANIAM :—'' Yes, Sir, that is also my recollection. It is three or four years since I went to a court. There are certain classes of suits in which only a declaration is asked for and nothing more. But if as a matter of fact consequential relief has to be prayed for and still he does not, other things follow. But there are suits where mere declaratory relief is sought for. If issues are framed with reference to facts we ask him to pay court-fees with reference to the issues framed. But here it is not a question of possession. The party says: 'I will be quite content with what I ask for. If on that account my suit fails I take the risk'. That is to say, in that case, he need

29th March 1955] [Sri C. Subramaniam]

not pay the court-fees. If you ask an issue to be framed and that changes the nature of the suit, then on that basis court-fee will have to be paid."

SRI M. NARAYANA KURUP :—" If the plaintiff takes the risk, he need not pay court-fees. Clause 13 says that if the issue is framed and the court-fee is not paid, the penalty is that the issue will be found against him. It is not that he is allowed to take his stand on other issues."

THE HON. SRI C. SUBRAMANIAM :—" That is why once the issue is framed he is bound to pay the court-fee."

SRI V. R. KRISHNA AYYAR :—" Here it is not as if the issue is framed at the behest of the plaintiff. On the pleadings, the court will raise issues and the plaintiff will have to pay the court-fee. Otherwise he runs the risk of a decision against him. That is not just."

* THE HON. SRI C. SUBRAMANIAM :—" I do not think that will arise at all. Suppose it is merely a case of a suit for a declaration. As a matter of fact the defendant alleges he is in possession of it. There a mere declaration suit will not lie. Then he takes the risk of merely asking for a declaration. He cannot change the nature of the suit unless it is agreed that, that issue may be gone into. Therefore I do not think that, that would work any great hardship. It is only when issues are framed, the court-fees become payable. The plaintiff might say : 'I know my case is restricted only to a declaration and that alone need be judged '. If it is only for that purpose, then it is a different thing altogether. The defendant is entitled to contest it. But that is done before the evidence is recorded and trial is started. Suppose a certain defendant is not included and brought in later on. It is the fault of the defendant and if he is the legal heir he is bound by the acts of his predecessor-in-interest. If only the hon. Members go through the provisions they will find that all these matters are finalised before the regular trial of the case starts. Various persons interested have been given opportunities to make representations before that stage and not after that. I do not think this will create any complication. The clause makes specific provisions for all these things so that there may be definiteness about all these things and nothing more than that.

" As far as jurisdiction is concerned under the Suits Valuation Act, it has got to be decided before regular trial begins. Even now when the jurisdiction question is specifically raised, it is decided before the regular trial begins. As far as other jurisdiction questions are concerned they are different and they have got to be decided after hearing evidence and other things."

MR. SPEAKER :—" I am now going to put the amendments to the vote of the House. The question is—

'*For* the existing clause, *substitute* the following—

" 12. (1) Every question relating to valuation for the purpose of determining the amount of any fee chargeable under this

[Mr. Speaker.] [29th March 1955

Chapter on a plaint or memorandum of appeal, shall be decided by the court in which such plaint or memorandum, as the case may be, is filed, and such decision shall be final as between the parties to the suit.

(2) But whenever any such suit come before a Court of Appeal, reference or revision, if such court considers that the said question has been wrongly decided to the detriment of the revenue, it shall require the party by whom such fee has been paid to pay so much additional fee as would have been paid to pay so much additional fee as would have been payable had the question been rightly decided, and in such case the suit shall be stayed until the additional fee is paid, if the additional fee is not paid within such time as the court shall fix, the suit shall be dismissed."

The amendment was put and lost.

The amendments moved by Sri M. Narayana Kurup were by leave of the House withdrawn.

The amendments moved by Sri S. Panchaksharam were by leave of the House withdrawn.

MR. SPEAKER :—" The question is—

' (1) In sub-clause (1) *for* " being however subject to . . . in the succeeding sub-sections " *add* the following proviso to sub-clause (1)—

" Provided that the Officer may refer the question of fee to the Court in cases of dispute or where necessary."

' (2) *Omit* sub-clauses (2) to (5).' "

The amendments were put and lost.

MR. SPEAKER :—" The question is—

' In sub-clause (1) *for* the words " the decision . . . succeeding sub-sections " *substitute* the words " and the decision shall be final ".' "

The amendment was put and lost.

MR. SPEAKER :—" The question is—

' *Omit* sub-clause (2).' "

The amendment was put and lost.

MR. SPEAKER :—" The question is—

' *Omit* sub-clause (3) and " Explanation ".' "

The amendment was put and lost.

The clause was put and carried.

MR. SPEAKER :—" The House will now adjourn and meet again at 8-30 a.m. tomorrow."

The House then adjourned.

APPENDIX.

[Vide item V on page 591 supra.]

THE MADRAS COURT-FEES AND SUITS VALUATION BILL, 1954.

COMPOSITION OF THE SELECT COMMITTEE.

1 The Hon. Sri C. SUBRAMANIAM (*Chairman*).
2 The Hon. Sri M. A. MANICKAVELU NAICKER.
3 Sri K. P. KUTTIKRISHNAN NAIR.
4 Sri K. PARTHASARATHY.
5 Sri K. VENKATARAMANA GOWDA.
6 Sri N. GOPALA MENON.
7 Sri P. SELVARAJ.
8 Sri B. VAIKUNTA BALIGA.
9 Sri V. R. NAGARAJAN.
10 Sri KUNHI MOHAMED SHAFEE.
11. Sri M. NARAYANA KURUP.
12 Sri S. RAMALINGAM.
13 Sri P. K. GOPALAKRISHNAN.
14 Sri P. RANGASWAMI REDDIAR.
15 Sri E. L. RAGHAVA MUDALIAR.

Invitees—Lawyer Members of the Legislative Council.

1 Sri K. BALASUBRAMANIA AYYAR.
2 Sri K. BASHYAM.
3 Sri V. GURUNANDAN ROW.
4 Sri B. V. SUBRAMANYAM.
5 Dr. V. K. JOHN.
6 Sri A. GAJAPATHY NAYAGAR.

Secretariat.

Sri R. V. KRISHNA AYYAR, *Secretary.*
Sri T. HANUMANTHAPPA, *Joint Secretary*

[29th March 1955

REPORT OF THE SELECT COMMITTEE ON THE MADRAS COURT-FEES AND SUITS VALUATION BILL, 1954 (L.A. BILL No. 25 OF 1954).

To

THE HONOURABLE LEGISLATIVE ASSEMBLY,
MADRAS.

The Select Committee appointed to consider the Madras Court Fees and Suits Valuation Bill, 1954, has the honour to make the following report.

2. The Bill was published in the *Fort St. George Gazette* Extraordinary on the 10th May 1954.

3. The Committee was appointed on the 17th May 1954.

4. The Committee met at Fort St. George on the 8th June 1954, 2nd and 3rd August 1954, in the Ministers' Room, Government Estate, Mount Road, on the 10th and 14th August 1954 and again at Fort St. George on the 29th November 1954.

5. At its first meeting the Select Committee resolved to call for written memoranda from all Bar Associations in the State, from its law officers and from other individuals. The Select Committee has scrutinized all the memoranda received. It also invited a few of the lawyer members of the Legislative Council to be present at its meetings and advise.

6. The Committee has subjected the clauses of the Bill and the various Articles in the Schedules to a detailed scrutiny and as a result of such scrutiny has made various changes in them.

7. But, before referring to the changes, it may be pointed out that the Select Committee considered the preliminary questions, (1) whether court-fees should be strictly proportionate to the time and trouble taken in respect of suits or proceedings and (2) whether the old practice in the High Court of levying fixed fees on plaints and further fees on subsequent applications and at the time of subsequent hearings should be adopted. It thinks that the levying of fees according to the time taken in the trial of the suit or proceeding would seriously affect poor litigants coming up for justice before courts, that it should also depend on the value of the property in dispute in the litigation and that the old practice in the High Court above referred to is not suitable to the conditions of modern litigation. It has therefore not made any fundamental change in the principle on which court-fees are now levied in the State. The Government have assured the Committee that they have no intention of making any profit out of litigation and that even after the proposals contained in the Bill come into effect, the courts would continue to work at a deficit.

8. The Committee also carefully considered the question of the method by which the market value of land should be ascertained for the purposes of this Bill and discussed various alternative

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suggestions in this behalf. It has resolved that in the more common kind of suits such as those falling under clauses 25 (*a*), 25 (*b*), 27 (*a*), 29, 30, 37, 38, 45 and 48 the market value of land on which an assessment is payable to Government should be adopted at thirty times such assessment and that other lands should be valued according to their actual sale value in the market. Clause 8 (new clause 7) has accordingly been entirely redrafted to carry out this intention.

9. It has also discussed the proper rate of ad valorem court-fee payable under Schedule I of the Bill upon plaints and has decided that it should be a uniform rate of $7\frac{1}{2}$ per cent of the value of the subject-matter.

10. The Committee thinks that the provisions in Chapter V of the Bill as introduced are likely to lead to increased congestion of work in the Superior Courts including the High Court. It has therefore made many amendments in that Chapter which are intended to maintain as far as possible the present position, viz., that the value of a suit for purposes of court-fee and for purposes of jurisdiction should be the same.

11. Some of the other important changes which the Committee has made are mentioned below :—

Clause 5.

This clause had provided that fractional amounts of court-fees payable under this Act should be rounded off to the next higher quarter rupee. The Committee thinks that this provision should be deleted.

Clause 13 (*new clause* 12).

In sub-clause (1), the Committee has made it clear that the preliminary decision of the Court regarding the amount leviable on a plaint before its registration should rest entirely on the allegations and materials furnished in the plaint.

Clause 24 (*new clause* 23).

This clause relates to suits for maintenance and annuities. Item (*b*) as introduced had provided that in a suit for enhancement or reduction of maintenance, the court-fee should be computed on ten times the amount by which the annual maintenance is sought to be enhanced or reduced. The Committee has deleted the words " ten times " with the result that the court-fee in such suits will be calculated only on the amount by which the annual maintenance is sought to be enhanced or reduced.

In item (*c*) of the clause which relates to annuities and other periodical payments, the amount on which the court-fee is leviable has been reduced from ten times the amount claimed per year to five times such amount.

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Clause 27 (*new clause* 26).

This clause relates to adoption suits and as originally drafted the fee on such suits was to be computed on one-half of the market value of the property involved in or affected by the relief. The Committee considers that such a provision would lead to great inconvenience and has decided upon levying a fixed fee as follows :—

Rs. 50 in a District Munsif's Court;

Rs. 100 in a Sub-Court or District Court or the City Civil Court, Madras, if the market value of the property involved in or affected by the relief does not exceed Rs. 10,000 and Rs. 500 if it exceeds Rs. 10,000;

Rs. 500 in the High Court.

Clause 34 (*new clause* 33).

Sub-clause (2) of this clause as introduced had provided that if, in a suit relating to a mortgage, a subsequent mortgagee in his written statement claimed payment to him out of the amount realized by sale, of the amount due to him on his mortgage, he should pay the proper court-fee on the amount claimed by him in his written statement.

The Committee considers that a subsequent mortgagee should not be asked to pay any court-fee at the time of his written statement, but that he should be asked to pay court-fee only on such amount as may actually be claimed by him, after the sale had taken place. As this is already provided in sub-clause (3), the Committee decided to delete the words "or subsequent" in sub-clause (2).

Sub-clause (8) of this clause relates to court-fee payable on redemption suits. After carefully considering all alternatives, the Committee resolved by a majority that the following sub-clause should be substituted for the existing one, namely :—

"In a suit against a mortgagee for redemption of a mortgage, fee shall be computed on the amount due on the mortgage as stated in the plaint or one-fourth of the principal amount expressed to be secured by the instrument of mortgage whichever is higher, provided that where the amount due on the mortgage is found to be more than the amount on which fee has been paid by the plaintiff, no decree shall be passed until the deficit fee is paid."

Clause 36 (*new clause* 35).

This clause relates to suits for accounts, and as drafted contained no provision for the levying of a court-fee on any amount found payable to a defendant on taking accounts. It has resolved to add a new sub-clause making such provision.

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Clause 38 (*new clause* 37).

This clause relates to partition suits. Regarding sub-clause (3) of this clause, the Committee thinks it necessary to make a distinction between defendants who are excluded from joint possession and defendants who are in joint possession. If excluded, the amount of court-fee required from the defendant should be half the amount payable on his share under sub-clause (1) but if in joint possession, it should be half that payable under sub-clause (2).

Clause 78 (*new clause* 66).

This clause refers to refund in cases of delay in representation of plaint, etc. The Committee considers that in regard to cases, where a memorandum of appeal has been rejected on the ground of delay in representation, half the fee should be refunded and has added a new sub-clause to that effect.

Clause 84 (*new clause* 72).

This clause refers to exemption of certain documents from court-fees. The Committee has included among such exempted documents, a memorandum of appearance filed by an advocate in a criminal court on behalf of an accused person.

Schedule I.

Article 3.—In item (*a*) of this Article, the Committee has made the court-fee payable on a petition under section 53 or 54 of the Provincial Insolvency Act, subject to a maximum of Rs. 500.

Schedule II.

Article 9.—The Committee considers that the court-fee to be affixed on a copy need not have any reference to the number of words in the copy and has therefore deleted the words " for every 360 words or fraction of 360 words " at the end. It has prescribed fixed fee of 12 annas on all copies falling under this Article.

In item (*m*) of Article 11, the Committee considers it desirable to differentiate between applications where the value of the subject-matter of the award does not exceed Rs. 5,000, those where such value exceeds Rs. 5,000 but does not exceed Rs. 10,000 and those where the subject-matter of the award exceeds Rs. 10,000, and it has resolved to fix a court-fee of Rs. 25, Rs. 100 and Rs. 250 on them respectively.

In many cases, the Select Committee has reduced the court-fees fixed in the original Bill, as for example in clauses 26, 28, 32, 38 (new clauses 25, 27, 31, 37) and in particular, item (*s*) of the Article 11 of Schedule II where for petitions to the High Court under Article 226 of the Constitution of India the amount has been reduced from Rs. 100 to Rs. 25.

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12. The Select Committee has made other changes also but it is not considered necessary to refer to them. All the changes made by the Select Committee are indicated in the annexed Bill.

13. The Committee considers that the changes made by it are of such important character as to require the re-publication[a] of the Bill.

14. Some of the members have given dissenting minutes which are appended.

C. SUBRAMANIAM,
Chairman.

GOVERNMENT ESTATE,
MOUNT ROAD, MADRAS,
6th December 1954.

TAMIL NADU LEGISLATIVE ASSEMBLY
TRUTH ALONE TRIUMPHS

[a] Republished in the *Fort St. George Gazette*, dated 22nd December 1954.

PROCEEDINGS OF THE SELECT COMMITTEE ON THE MADRAS COURT-FEES AND SUITS VALUATION BILL, 1954 (L.A. BILL No. 25 OF 1954).

(As approved by the Chairman)

Tuesday, the 8th June 1954.

The Select Committee appointed to consider the Madras Court-Fees and Suits Valuation Bill, 1954, met in the Committee Room, Fort St. George, Madras, at 11-30 a.m. on Tuesday, the 8th June 1954. The following members were present :—

1 The Hon. Sri C. SUBRAMANIAM (*Chairman*).

2 Sri K. P. KUTTIKRISHNAN NAIR.

3 Sri K. PARTHASARATHY.

4 Sri K. VENKATARAMANA GOWDA.

5 Sri P. SELVARAJ.

6 Sri B. VAIKUNTA BALIGA.

7 Sri V. R. NAGARAJAN.

8 Sri KUNHI MOHAMED SHAFEE.

9 Sri M. NARAYANA KURUP.

10 Sri S. RAMALINGAM.

11 Sri P. K. GOPALAKRISHNAN.

12 Sri P. RANGASWAMI REDDIAR.

13 Sri E. L. RAGHAVA MUDALIAR.

The Secretary to the Law Department and the Joint Secretary to the State Legislature were also present.

The Select Committee decided to call for written memoranda from all Bar Associations in the State, Advocate-General, Government Pleaders and other individuals, to be submitted before 15th July 1954. The Bar Associations would be requested to send 20 copies of their memoranda which would be circulated to the members of the Select Committee as and when they were received.

The Committee also decided that its members might send in their own memoranda either in the form of amendments or otherwise which would be circulated to all the members.

On the suggestion of members, the Chairman agreed that the Special Officer in the Home Department in charge of this Bill, in consultation with the Law Secretary, would submit to the members of the Committee a synopsis of the memoranda received from Bar Associations, individuals, etc.

LEGISLATIVE ASSEMBLY TAMIL NADU TRUTH ALONE TRIUMPHS

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The Committee also decided that some of the lawyer members of the Legislative Council might be invited to attend the future sittings of the Committee.

The Committee agreed tentatively to meet again on the 26th July 1954 and then adjourned.

Monday, the 2nd August 1954.

The Select Committee met in the Council Chamber, Fort St. George, at 11 a.m. on Monday, the 2nd August 1954. The following members were present :—

1 The Hon. Sri C. SUBRAMANIAM (*Chairman*).

2 The Hon. Sri M. A. MANICKAVELU NAICKER.

3 Sri K. P. KUTTIKRISHNAN NAIR.

4 Sri N. GOPALA MENON.

5 Sri K. VENKATARAMANA GOWDA.

6 Sri P. SELVARAJ.

7 Sri V. R. NAGARAJAN.

8 Sri KUNHI MOHAMED SHAFEE.

9 Sri S. RAMALINGAM.

10 Sri P. RANGASWAMI REDDIAR.

11 Sri E. L. RAGHAVA MUDALIAR.

The following members of the Legislative Council were also present by invitation :—

1 Sri K. BALASUBRAMANYA AYYAR.

2 Sri K. BHASHYAM.

3 Sri V. GURUNANDAN ROW.

4 Sri A. GAJAPATHY NAYAGAR.

The Secretary of the Legislature and the Special Officer for the revision of the Court Fees Act, Home Department, were present.

The preliminary question was considered whether in the matter of levying court-fees, the principle should be that the fee should be proportionate to the time and trouble taken in respect of the particular proceeding in question or whether the court-fee can be permitted to augment the general revenue. After discussion the Committee resolved that the old practice in the High Court of levying a fixed fee on plaints and subsequent fees on applications and at the time of hearings was unsuitable as such a system would seriously affect poor litigants coming up before courts with small claims. In this connexion, however, the Hon. Chairman said that the Government were not in favour of making money from

litigation and pointed out that the Secretariat had worked out figures of receipts from and expenditure on courts which showed that the courts were now working at a deficit and would, even if the proposals contained in the Bill came into effect, continue to work at a deficit. He promised to furnish details of the figures at a later stage.

The Committee then considered the Bill clause by clause.

CHAPTER II.

Clause 4.

The Committee considered the point whether in sub-clause (ii) the words 'public officer' should remain. After some discussion it was decided that the words might remain.

The question was raised whether the word 'Judge' in the proviso to sub-clause (ii) would include a magistrate under the Code of Criminal Procedure, or an officer presiding over a Revenue Court.

The Chairman said that the point would be clarified and that an amendment would be brought up *if found necessary*.

Clause 5.

This clause relates to rounding off of fractions of court-fee, to the next higher quarter rupee. The Committee resolved to drop this provision.

Clause 6.

The clause was passed.

Clause 7.

The Committee resolved to omit Explanation (1) and to renumber Explanation (2) as Explanation (1).

The clause was passed with the above amendment.

Clause 8.

The clause was passed.

Clause 9.

Sri V. R. Nagarajan moved the following amendment :—

"No fee shall be chargeable on a written statement pleading a set off. But any counter-claim therein praying for a decree in favour of the defendant shall be liable to payment of court-fee only on the amount in excess of the plaintiff's claim, if any."

The Hon. Finance Minister pointed out that in the words of Order VIII, Rule 6 of the Civil Procedure Code, a written statement

claiming a set off or making a counter-claim was really " a plaint in a cross suit" and that there was no reason why it should be exempt from court-fee. The amendment was negatived.

The clause was passed.

Clause 10.

The clause was passed.

CHAPTER III.

Clause 11.

The clause was passed.

Clause 12.

The Committee considered the question whether the Taxing Officer's assessment of the court-fee should be final, but held that there was advantage in its being subject to review by the court. The clause was passed.

Clause 13.

The Committee considered that at the preliminary stage, that is, before the registration of the plaint, the decision of the court regarding the amount of court-fee leviable on the plaint should only rest on the allegations and materials furnished in the plaint, and that in sub-clause (1) this should be made clear. The words ' on the allegations and materials furnished in the plaint ' were therefore inserted between the word ' decide ' and the words ' the proper fee payable thereon ' in sub-clause (1).

The clause as amended was passed.

Clause 14.

The consideration of the clause was postponed.

Clauses 15 *to* 17.

The clauses were passed.

Clause 18.

The consideration of the clause was postponed.

Clauses 19 *to* 21.

The clauses were passed.

The Committee adjourned to meet again at 10 a.m. on Tuesday, the 3rd August 1954.

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Tuesday, the 3rd August 1954.

The Select Committee met in the Council Chamber, Fort St. George, at 10 a.m. on Tuesday, the 3rd August 1954. The following members were present :—

1 The Hon. Sri C. SUBRAMANIAM (*Chairman*).

2 The Hon. Sri M. A. MANICKAVELU NAICKER.

3 Sri K. P. KUTTIKRISHNAN NAIR.

4 Sri K. VENKATARAMANA GOWDA.

5 Sri N. GOPALA MENON.

6 Sri P. SELVARAJ.

7 Sri B. VAIKUNTA BALIGA.

8. Sri V. R. NAGARAJAN.

9 Sri KUNHI MOHAMED SHAFEE.

10 Sri M. NARAYANA KURUP.

11 Sri S. RAMALINGAM.

12 Sri P. RANGASWAMI REDDIAR.

13 Sri E. L. RAGHAVA MUDALIAR.

The following members of the Legislative Council were also present by invitation :—

1 Sri K. BALASUBRAMANYA AYYAR.

2 Sri V. GURUNANDAN ROW.

3 Sri A. GAJAPATHY NAYAGAR.

The Secretary to the Legislature and the Special Officer for the revision of the Court Fees Act, Home Department, were present.

The Committee continued the consideration of the Bill clause by clause.

The Committee re-opened clause 4 and decided that for the words 'presiding Judge', the word 'Court' might be substituted.

CHAPTER IV.

Clauses 22 *and* **23.**

The clauses were passed.

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Clause 24.

Sri V. R. Nagarajan moved the following amendment :—

"In a suit for enhancement or reduction of maintenance, court-fee shall be payable on five times the amount by which the annual maintenance is sought to be enhanced or reduced."

The amendment was not pressed.

The Committee considered that in sub-clause (*b*) the levying of a court-fee at ten times the amount of the annual maintenance was excessive and, therefore, resolved to delete the words 'ten times' in that sub-clause.

The Committee also decided that in sub-clause (*c*) for the words 'ten times', the words 'five times' be substituted. It also decided to substitute the word 'five' for the word 'ten' in the proviso.

Clause 25.

Sub-clause (2) (*b*).

The Committee decided that the words 'or on rupees five hundred whichever is higher' should be omitted.

Clause 26.

The Committee decided that in sub-clause (*c*) for the words 'one thousand' the words 'five hundred' be substituted and in sub-clause (*d*) for the words 'five hundred', the words 'four hundred' be substituted.

Clause 27.

Sri V. R. Nagarajan moved the following amendment :—

"*Substitute* the following *for* the existing clause :—

'In a suit for declaration in regard to the validity or invalidity of an adoption or the factum of an adoption a fixed court-fee as rated below shall be payable :—

(*a*) Rs. 35 in a District Munsif's Court.

(*b*) Rs. 50 in a Sub-Court or District Court or City Civil Court, Madras, if the market value of the property involved in or affected by the relief is Rs. 5,000 or below that sum.

(*c*) Rs. 100 in all other cases.'"

This was accepted subject to the following alterations, viz., that in a District Munsif's Court the fee should be Rs. 50 and that in a Sub-Court or District Court or City Civil Court, it should be Rs. 500 on amounts up to Rs. 10,000 and Rs. 1,000 on amounts above Rs. 10,000.

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Clause 28.

The Committee decided as follows :—

In sub-clause (*b*) *for* the words ' one thousand ' *substitute* the words ' five hundred '.

In sub-clause (*c*) *for* the words ' five hundred ' *substitute* the words ' four hundred '.

Clauses 29 *to* 31.

The clauses were passed.

Clause 32.

The Committee decided that for the words ' five hundred ' the words ' four hundred ' be substituted.

Clause 33.

The clause was passed.

Clause 34.

Sub-clause (2).

Sri M. Narayana Kurup suggested that the subsequent mortgagee should not be asked to pay any court-fee at the time of his written statement though he might be asked to pay a court-fee on such amount as might actually be claimed by him after the sale had taken place. This is already provided for in sub-clause (3) of this Bill. The words ' or subsequent ' were omitted in sub-clause (2).

Sub-clause (8).

The Committee thought that the court-fee should be computed not on the principal amount of the mortgage but on the amount due under the mortgage. The sub-clause was amended accordingly.

Clause 35.

The clause was passed.

Clause 36.

In sub-clause (1) the Committee resolved to omit the word ' approximately ' and add the words ' by the plaintiff '. In sub-clause (2) also the Committee decided to omit the word ' approximately.'

As at present worded, sub-clause (2) contains no provision in regard to any court-fee leviable on any amount found payable to the defendant on taking accounts between the parties. The Committee resolved that a new sub-clause should be added providing for the same.

Clause 37.

The clause was passed.

Clause 38.

The Committee decided as follows :—

Sub-clause (2).

In item (i) *for* ' thirty-five ' *substitute* ' thirty '.

In item (ii) *for* ' thirty-five ' *substitute* ' thirty ', and for the words ' value of the subject-matter ' *substitute* the words ' value of the plaintiff's share '. *For* the words ' one hundred ' *substitute* the words ' two hundred '.

In item (iii) *for* the words ' two hundred and twenty-five ', *substitute* the words ' three hundred '.

Sub-clause (3).

The Committee decided that a distinction should be made between defendants who had been excluded from joint possession and defendants who were in joint possession. If excluded, the amount of court-fee required from the plaintiff should be as in sub-clause (2) but if in joint possession the court-fee should be only half of what the defendant would have to pay under sub-clause (2) if he were a plaintiff.

Clauses 39 *and* 40.

The clauses were passed.

Clause 41.

The Committee decided that in the Marginal Note the words ' or other documents ' be added.

Clauses 42 *and* 43.

The clauses were passed.

Clause 44.

Sri P. Rangaswami Reddiar suggested the words ' payable for the year next before the date of presenting the plaint ' must be made clear. The clause was passed without amendment.

Clauses 45 *to* 50.

The clauses were passed.

Clause 51.

The Committee decided as follows :—

In items (ii) and (iii) *for* the word " thirty-five ' *substitute* the word ' thirty '.

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In item (iii) *for* '100' *substitute* '200'.

In item (iv) *for* the words 'two hundred and twenty-five' *substitute* the words 'three hundred'.

Clauses 52 *and* 53.

The clauses were passed.

At this stage, the Committee took up consideration of the postponed clauses 14 and 18. They were also passed. But the Chairman suggested that the words '*mutatis mutandis*' might be inserted between the words 'apply' and 'to' in clause 18. This was agreed to.

The Committee then adjourned for lunch.

(After lunch)

CHAPTER V.

Clause 54.

The clause was passed.

Clause 55.

The words 'before issues are framed on the pleas taken by such defendant in the written statement, or' were omitted as very often the question of value itself might have been already framed as an issue.

Clauses 56 *and* 57.

The clauses were passed.

Clause 58.

Consistently with the amendment made in sub-clause (8) of clause 34, it was decided that in a mortgage suit falling under section 34, the value shall be the amount due on the mortgage.

Clauses 59 *to* 65.

The clauses were passed.

Clause 66.

The clause was passed subject to a scrutiny of the necessity for the words "or in the lower appellate Court in the memorandum of appeal to that Court", sub-clause (1) (*a*).

CHAPTER VI.

Clauses 67 *to* 77.

The clauses were passed.

The Committee however thought that the necessity for the explanation to sub-clause (1) of clause 68 required further examination.

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CHAPTER VII.

Clause 78.

The Committee thought that in regard to cases where a memorandum of appeal was rejected on the ground of delay in presentation, half the fee should be refunded. It was therefore decided to add a proviso to that effect.

Clauses 79 *and* 80.

The clauses were passed.

Clause 81.

Sri E. L. Raghava Mudaliar suggested that refund should be ordered even in cases where a decree was passed in terms of a compromise entered into between the parties even before any evidence had been recorded on the merits of the claim. The Chairman pointed out that as execution proceedings could be taken on such a decree, the refund would be unjustifiable.

On the same ground, a suggestion for the refund of half the court-fee in suits in which *ex parte* decrees were passed was also negatived.

Clauses 82 *and* 83.

The clauses were passed.

Clause 84.

Sri P. Rangaswami Reddiar proposed that the memorandum of appearance by an Advocate in a criminal court on behalf of an accused person should be included in the exemptions. This was accepted.

Clause 85.

The clause was passed.

CHAPTER VIII.

All the clauses from 86 to 99 were passed.

SCHEDULE I.

Schedule I was then taken up.

Under Article 1, Sri S. Ramalingam suggested that the ad valorem court-fee might be reduced from $7\frac{1}{2}$ per cent to $6\frac{1}{4}$ per cent. After some discussion this was not pressed.

Articles 1 and 2 were then passed.

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Article 3.

Under Article 3 (*a*), Sri B. Vaikunta Baliga wanted a fixed fee and not an ad valorem fee for petitions under section 53 or 54 of the Provincial Insolvency Act, 1920. This was not agreed to but the Committee resolved to add the words " subject to a maximum fee of Rs. 500 " at the end of the third column.

Under sub-clause (*b*) also the same words were added at the end of the third column.

At this stage the Committee adjourned to meet again at 11 a.m. on 10th August 1954 in the Ministers' Room in the Government Estate, Mount Road.

Tuesday, the 10th August 1954.

The Select Committee appointed to consider the Madras Court Fees and Suits Valuation Bill, 1954, met in the Ministers' Room, Government Estate, Mount Road, Madras, at 11 a.m. on Tuesday, the 10th August 1954. The following members were present :—

1 The Hon. Sri C. Subramaniam (*Chairman*).

2 The Hon. Sri M. A. Manickavelu Naicker.

3 Sri K. P. Kuttikrishnan Nair.

4 Sri K. Parthasarathi.

5 Sri K. Venkataramana Gowda.

6 Sri N. Gopala Menon.

7 Sri V. Vaikunta Baliga.

8 Sri V. R. Nagarajan.

9 Sri M. Narayana Kurup.

10 Sri S. Ramalingam.

11 Sri P. K. Gopalakrishnan.

12 Sri P. Rangaswami Reddiar.

The following members of the Legislative Council were also present by invitation :—

1 Sri K. Balasubramanya Ayyar.

2 Sri K. Bhashyam.

3 Sri V. Gurunandan Row.

4 Dr. V. K. John.

5 Sri A. Gajapathi Nayagar.

The Secretary to the State Legislature and the Deputy Secretary to the Law Department were also present.

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The question of the necessity for clause 14 was again considered. The Hon. Chairman pointed out that the clause was necessary as a provision for cases referred to in clauses 25 (2), 28 and 49. Clause 14 was therefore allowed to stand.

The necessity for the explanation in clause 68 was then considered, and it was allowed to remain as there were said to exist some rulings of the High Court which stated that the member of a Joint Hindu family could apply for letters of administration.

Clause 37 was also reconsidered. It was decided that no change was necessary.

The Committee agreed to reopen sub-clause (8) of clause 34 which related to redemption suits. After discussion, the Committee resolved by a majority that sub-clause (8) should be redrafted as follows :—

" In a suit against a mortgagee for redemption of a mortgage, fee shall be computed on the amount due on the mortgage as stated in the plaint or twenty-five per cent of the principal amount expressed to be secured by the instrument of mortgage whichever is higher :

Provided that in cases where the fee has been paid on a certain amount as due on the mortgage, if on enquiry the Court finds that larger amount is due on the mortgage, additional court-fee shall be levied on the excess in accordance with this Act."

The Schedules were then taken up.

Article 1 of Schedule I was reopened for consideration. The question whether there should be a uniform rate of court-fee or whether there should be a slab system of court-fee with a regressive rate was put to the vote and it was decided by a majority that the rate of court-fee should be uniform. Sri S. Ramalingam pressed that the rate should be only $6\frac{1}{4}$ per cent and not $7\frac{1}{2}$ per cent. The decision on this question was postponed until a decision was arrived at on the question of valuation according to the market rates.

The other articles in Schedules I to III were approved subject to the following remarks :—

SCHEDULE II.

Article 9.

The words " For every 360 words or fraction of 360 words " occurring in column 2 were deleted.

For the words " ten annas " occurring in column 3 thereof, the words " twelve annas " were substituted.

Article 10.

Sri S. Ramalingam moved that item (a) be deleted. The amendment was not accepted.

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Article 11.

Sri S. Ramalingam moved that for the words " four annas " occurring in column 3 of item (*a*), the words " two annas " be substituted. The amendment was not accepted.

The Committee resolved that the present item (i) of Article 11 should be renumbered as (ii) and that the following should be inserted as (i) of that item :—

" (1) Original petition to a District Munsif's Court against the decision of village court.	One rupee."

In sub-item (ii) of item (*m*), the following words were added at the end and before the words " one hundred rupees " :—

" (*a*) where the value of the subject-matter of the award does not exceed Rs. 10,000 "

and the following new sub-item was also added :—

" (*b*) where the value of the subject-matter of the award exceeds Rs. 10,000	Two hundred and fifty rupees."

In Article 11 (*n*) a similar change was made, that is, sub-items (i) and (ii) were redrafted as follows :—

" (i) When presented to a District Munsif's Court or when presented to the City Civil Court or sub-court of Ootacamund or of Cochin in a case where the value of the subject-matter does not exceed Rs. 5,000.	Fifteen rupees.
(ii) when presented to the City Civil Court, Madras, a sub-court or District Court or the High Court—	
(*a*) where the value of the subject-matter of the award exceeds Rs. 5,000 but does not exceed Rs. 10,000.	One hundred rupees.
(*b*) in any other case	Two hundred and fifty rupees."

In item (*s*), for the words ' one hundred rupees ' occurring in column 3, the words ' twenty-five rupees ' were substituted.

The Committee also resolved that for the sake of uniformity wherever the words ' petitions ' and ' applications ' occur, these be changed into ' petition ' and ' application.'

The Committee then adjourned to meet at 3 p.m. on Saturday, the 14th August 1954, at the Ministers' Room, Government Estate, Madras.

Saturday, the 14th August 1954.

The Select Committee appointed to consider the Madras Court Fees and Suits Valuation Bill, 1954, met in the Ministers' Room, Government Estate, Madras, at 3 p.m. on Saturday, the 14th August 1954. The following members were present:—

1 The Hon. Sri C. SUBRAMANIAM (*Chairman*).

2 The Hon. Sri M. A. MANICKAVELU NAICKER.

3 Sri K. P. KUTTIKRISHNAN NAIR.

4 Sri K. PARTHASARATHI.

5 Sri K. VENKATARAMANA GOWDA.

6 Sri N. GOPALA MENON.

7 Sri P. SELVARAJ.

8 Sri B. VAIKUNTA BALIGA.

9 Sri V. R. NAGARAJAN.

10 Sri M. NARAYANA KURUP.

11 Sri S. RAMALINGAM.

12 Sri P. RANGASWAMI REDDIAR.

13 Sri E. L. RAGHAVA MUDALIAR.

The following members of Legislative Council were also present by invitation :—

1 Sri K. BALASUBRAMANYA AYYAR.

2 Sri K. BHASHYAM.

3 Sri V. GURUNANDAN ROW.

4 Sri B. V. SUBRAMANYAM.

The Secretary to the State Legislature and the Special Officer, Home Department, were also present.

The Committee discussed the question of the method by which the market value of land should be ascertained for the purposes of this Bill. Various suggestions were made and discussed and eventually the Committee agreed that, subject to further examination, the market value of land on which assessment was payable to Government should be adopted at thirty times of such assessment and that other lands should be valued according to their value in the market.

The Committee resolved that the *ad valorem* court-fee payable upon suits should be $7\frac{1}{2}$ per cent of the value for purposes of court-fee

The Committee resolved that the draft report and the Bill as amended by the Committee so far should be circulated to the Members before the date of next meeting which was to be fixed by the Chairman.

The Committee then adjourned.

Monday, the 29th November 1954.

The Select Committee met in the Committee Room, Fort St. George, at 11 a.m. on Monday, the 29th November 1954. All the members except Sri V. R. Nagarajan and Sri P. Rangaswami Reddiar were present.

The following lawyer-Members of the Legislative Council who had been invited were also present :—

1 Sri K. Balasubramanya Ayyar.

2 Sri V. Gurunandan Row.

The Secretary to the Legislature, the Secretary to Government, Law Department, and the Special Officer for the revision of the Court Fees Act, Home Department, were present.

The Bill as amended by the Select Committee up to now had been printed and circulated to the Members. The following amendments to the Bill as so revised, were accepted by the Committee :—

Clause 12.

1. In clause 12—

(i) in sub-clause (1), after the words " on the materials and allegations contained in the plaint ", *insert* " and on the materials contained in the statement, if any, filed under section 10 " ;

(ii) *omit* the Explanation occurring at the end of sub-clause (2) and *insert* the same Explanation at the end of the clause ; and in the Explanation as so inserted, *for* the words " The expression ", *substitute* " In this section, the expression ".

Clause 39.

2. In clause 39 (2), *for* the words " be found due " *substitute* " is found due ".

Clause 42.

3. In clause 42 (*e*), *for* the word " as ", *substitute* " has ".

Clause 43.

4. In clause 43—

(*a*) in sub-clause (1)—

(i) *omit* the words " fee shall be levied on the amount of rent for the immovable property to which the suit relates, payable for the year next before the date of presenting the plaint " and *insert* the same words after sub-clause (*e*) as a separate paragraph.

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(ii) after the words "landlord and tenant", *insert* "namely :—";

(b) in sub-clause (3), *for* the words "amount claimed", *substitute* "amount of the arrears for which the distraint has been made or the sale is proposed to be held".

Clause 49.

5. In clause 49, *for* the words "one-half the value", *substitute* "one-half of the value".

Clause 51.

6. In clause 51, *for* the words "according to the difference", *substitute* "on the difference".

Clause 52.

7. In clause 52, in Explanation (3), *for* the words "till date", *substitute* "till the date".

Clause 70 (2).

8. In clause 70 (2), *for* the words "the court, or the court or the officer", *substitute* "the Court, or the Subordinate Court or the officer".

Clause 71 (3).

9. In clause 71 (3), *for* the words "deficient fee", *substitute* "deficit fee".

Clause 73 (2).

10. In clause 73 (2), *for* the words "fee of that", *substitute* "of the fee".

Clause 95.

11. *For* clause 95, *substitute* the following:—

"95. *Repeal of Central Act IV of* 1877.—The Presidency Magistrate (Court-Fees) Act, 1877 (Central Act IV of 1877), in so far as it applies to the State of Madras, is hereby repealed."

SCHEDULE II.

Article 1.

12. In Schedule II—

(i) in the entries relating to Article 1, *omit* the words and figures "the Malabar Marriage Act, 1896, or";

Article 8.

(ii) in the entries relating to Article 8, *for* the words "to suit", *substitute* "to a suit";

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Article 16.

(iii) in the entries relating to Article 16, *for* the words " one rupee eight annas ", *substitute* " one rupee and eight annas ".

The clauses of the revised Bill as thus amended were taken up for consideration again.

Sri Narayana Kurup suggested that in sub-clause (2) of clause 7, the clauses relating to the market value of land had not been exhaustively stated and he suggested that the following clauses should, for instance, be also included in that sub-clause :—

Clauses 37, 38, 40, 41, 42 and 58.

After careful consideration, the Committee decided to include only clauses 37, 38 and 48 in that sub-clause (2) of clause 7.

Clause 32.

The Committee decided to include the words " or on the market value whichever is less " at the end of the clause.

CHAPTER V.

The Hon. the Law Minister pointed out that, in view of the proposed amendment to section 11 of the Code of Civil Procedure (the section relating to *res judicata*) which the Government are contemplating, the provisions of Chapter V of the Bill relating to the valuation of suits for the purpose of determining jurisdiction of courts, required substantial modification and that, as they stood, the provisions in Chapter V were likely to result in creating an increased congestion of work in the higher courts including the High Court. After discussion the Committee approved of the following amendments in Chapter V :—

(1) In clause 12 of the Bill as renumbered, the following sub-clause be added :—

" (5) All questions as to value for the purpose of determining the jurisdiction of courts arising on the written statement of a defendant shall be heard and decided before evidence is recorded affecting such defendant, on the merits of the claim."

(2) At the end of clause 23 of the Bill as renumbered, the following proviso be added :—

" Provided further that, a suit for enhancement or reduction of maintenance falling under clause (*b*) shall be instituted in a Court which will have jurisdiction to receive a suit for maintenance at the rate which is sought to be enhanced or reduced."

(3) At the end of clause 28 as renumbered and before the Explanation, the following proviso be added :—

" Provided that where the property does not have a market value, value for the purpose of determining the jurisdiction of courts shall be such amount as the plaintiff shall state in the plaint."

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(4) The following be added as sub-clause (3) to clause 48 as renumbered :—

" Value for the purpose of determining the jurisdiction of courts shall be the amount of the debt, or the sum of money or the market value of other property to which the suit relates."

(5) The following clauses as renumbered be deleted :—

Clauses 53, 54, 55, 56, 57, 58, 59, 60, 61 and 62.

(6) Clause 63 as renumbered be modified as follows :—

" *Suits not otherwise provided for.*—(1) In a suit as to whose value for the purpose of determining the jurisdiction of courts, specific provision is not otherwise made in this Act or in any other law, value for that purpose and value for the purpose of computing the fee payable under this Act shall be the same.

(2) In a suit where fee is payable under this Act at a fixed rate, the value for the purpose of determining the jurisdiction of courts shall be such amount as the plaintiff shall state in the plaint."

(7) The clauses of the Bill be renumbered and necessary alterations made in clauses 67, 69, 70, 71, 73, 74 and 93 and in Schedule III.

4. The Committee approved the other provisions of the Bill as reprinted.

5. The Chairman was authorized to sign the report on behalf of the Committee.

The Committee decided that, in view of the importance of the Bill and the changes made in it, it should be republished. It also decided that Dissenting Minutes, if any, sent up to 11 a.m. on the 6th of December might be accepted and printed along with the Report.

GOVERNMENT ESTATE,
MOUNT ROAD, MADRAS-2,
6th *December* 1954.

R. V. KRISHNA AYYAR,
Secretary to the State Legislature.